

# Consolidated version of the conducted by VMobile Data Protection Impact Assessment with respect to the data processed and collected within the PATHEARN Project

## 1. Systematic description of the processing operations and the purposes of the processing. Main parameters of the Data Protection Impact Assessment (DPIA)

### 1.1. Purpose of the PATHEARN Project

The purpose of the PATHEARN project is to create a database of vehicle registration plates (the **Plates**) i.e., the Plate number itself plus cropped photo of the Plate, together with vehicle type and color (with a low resolution photo of the vehicle), GPS location and time (all – the **Data**), in order to provide services to third parties (clients), such as statistics, data verification, traffic analysis, etc. (the **Project**).

Data are collected in several different ways e.g., through a purpose-built application (the **PATHEARN app**); through CCTV cameras; provided by third parties etc.

The benefits of the Data processing are related not only to the successful implementation of the Project:

- The strict technical and organizational measures as well as the innovative technology used by VMobile are strong guarantees for the data protection and the information security of the whole Project and its eco system too;
- The Project would benefit data subjects in cases where VMobile clients accumulate the Data with other data (owned by such clients) and identify persons (e.g., with their consent);
- The future large-scale implementation of the Project would help to optimize the urban environment such as reducing emissions, mobility management, optimizing traffic, parking areas, optimizing fuel consumption or tolls, etc.

### 1.2. Types of data and their processing

There are basically two categories of data processed:

- i. Data of data subjects related to the implementation of the Project - users of the PATHEARN app and/or persons with installed cameras for the purposes of VMobile. The data are in accordance with the principle of minimization and are in the amount of strictly necessary - email, password, IMEI, contact information; indirectly - location of the users of the PATHEARN app and/or the installed cameras;
- ii. The Data required for the purposes of the Project.

The Data on i. are processed through the functionalities of the PATHEARN app.

The Data on ii. are processed as follows:

In case the Plate of a passing vehicle is caught by the PATHEARN app VMobile receives the Plate image, the Plate symbols, the vehicle type (i.e., station wagon, sedan etc.), the vehicle color, a low-resolution photo of the vehicle, time stamp and the GPS coordinates of the respective vehicle.

The low-resolution photo of the vehicle serves the needs of VMobile to identify the type and the color of the vehicle but it is of such quality that does not allow VMobile to identify the driving person in any way whatsoever.

In certain occasions<sup>1</sup> VMobile might gather only information about number of passing vehicles (without processing Plates) where in this case the information would not represent personal data at all.

Against this Data, the users receive points and certain type of cryptocurrency.

Generally, the collected Data is not stored or visualized on the devices and/or in the PATHEARN app.

The data of the users, as well as the Data, are stored on servers/cloud space of VMobile, which are located on the territory of Bulgaria (and Turkey – for the purposes of Turkish data and processing only) in observance of all technical and organizational measures provided by VMobile and adequate to the needs of the Project. The data is stored in encrypted and pseudonymous and/or anonymous versions.

### 1.3. Data Storage

The storage of data of persons related to the implementation of the Project depends on the use of the PATHEARN app. An account that has not been used at all for 48 months would be deleted and the data on it not stored by VMobile. In other cases the data is processed and stored while the PATHEARN app is used.

The storage of the Data depends on the legitimate interest of VMobile to collect the database of the Project. However, deletion on grounds of relevance is made on a period of 5 years (i.e., inaccurate or not up to date Data).

### 1.4. Role of the users and the individuals with installed cameras

The persons with PATHEARN app accounts (including those with installed cameras) are its users. As such, they do not have access to the Data through their device or through the PATHEARN app portal.

The access to the Data extracted from VMobile, the protection of the Data, as well as the control over the Data is entirely and exclusively on VMobile. Users do not have any real possibility to process the Data (within the GDPR meaning of the definition of “processing”); there is no way to implement specific technical and organizational measures against this Data and/or to assist VMobile at the request of Data subjects or in case of data breach. The entire data processing cycle is focused on the actions and measures of VMobile, as data controller. For this reason such users cannot meet the concept of “data processors”, even though they are somehow involved in the process of collecting the Data.

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<sup>1</sup> With respect to the legal specificities in certain countries (e.g., in Germany).

## 1.5. Necessity to conduct a DPIA

The manner of processing of VMobile Data does not imply in any way their accumulation with other data, as well as the identification of certain data subjects. The data storage and encryption mechanism is designed in a way that does not allow individuals to use the database to identify data subjects. Access to all Data is strictly limited on a need-to-know basis and performance of official duties to several designated for this purpose persons - employees of VMobile.

Some EU data protection regulators (eg, in Bulgaria) share the opinion that the processing of Plates, location and time does not constitute personal data due to the lack of public access to the national vehicle registers and the impossibility to identify data subjects on the basis of this separate information<sup>2</sup>.

Nevertheless:

- The review of the criteria for performing of DPIA shows that the Project will include large-scale and systematic monitoring of certain public areas and large-scale data processing. However, such monitoring does not include recording of complete/partial images and pictures with the exception of the a low-resolution photo of the vehicle, as described hereabove (video from the observed areas is not made at all). In the future, the project may include brand, model, for which the DPIA will be updated.
- The Project will be implemented through the use of innovative technologies - algorithms for statistical analysis, neural network (Artificial Intelligence).
- The nature of the Project does not allow all data subjects to be informed about the processing in accordance with all requirements of Art. 13 and 14 GDPR and Art. 10 of Turkish Law No. 6698.
- The Project also envisages the use of a mobile application (for iOS and Android devices) - namely the PATHEARN app.

Taking into account the GDPR rules, all various guidelines and opinions of the European Data Protection Board (the **EDPB**) and analyzing the amount of information to be processed by VMobile, it was decided DPIAs to be conducted (in each EU Member State where the Project can apply, as well as in Turkey - collectively again the "DPIA") in order to comply with the principles of privacy by design and privacy by default and further to comply with the EDPB's principle: *"in cases where it is not clear whether a DPIA is required, the WP29 (now EDPB) recommends that a DPIA is carried out"*<sup>3</sup>.

## 2. Assessment of the necessity and proportionality of the processing operations in relation to the purposes

- VMobile has a **legitimate interest** (Article 6, paragraph 1, item f) of the GDPR) to collect the Data. The database is key to the implementation of the Project and the provision of the Data to VMobile's clients as aggregated Data, pseudonymized Data, anonymized

<sup>2</sup> Annual Report of the BG Commission for Personal Data Protection for 2020, adopted by the 44th National Assembly in June 2021, page 56.

<sup>3</sup> <https://ec.europa.eu/newsroom/article29/items/611236>

Data for static purposes etc. By applying the principles of processing a minimum amount of data and their proportional use in order to implement the Project, the processing of the Data is completely sufficient, but also strictly necessary for the purposes of VMobile.

- Using the PATHEARN app and/or installing cameras leads to indirect processing of the location of the users. Therefore, VMobile will collect the **consent** (art. 6, para. 1, b. A) of the users, observing all GDPR requisites for voluntary and informed consent and providing the opportunity for its immediate withdrawal. The processing of other contact details with respect to the registration and/or the use of the PATHEARN app is based on the **legitimate interest** of VMobile to run the PATHEARN app and also on the agreed by the users Terms of Use.
- When using the Data together with other client's data for certain client's needs, VMobile processes the Data on a **contractual basis** (Art. 6, para. 1, b. B) – i.e., commercial contract and a data protection agreement to it, where needed.

### 3. Assessment of the risks to the rights and freedoms of data subjects. Defined risk level

- The DPIA demonstrates that in this case the systematic and large-scale monitoring does not involve actual monitoring of data subjects, but only the extraction of Plates, vehicles type and color, location and time. The identification of subjects is practically impossible without the existence of additional data/information.
- The Project will be implemented through the use of innovative technologies for which all necessary information security measures have been taken, including for the implementation of the targeted application for data collection – i.e., the PATHEARN app.
- The nature of the Project does not allow all data subjects to be informed about the processing in accordance with all GDPR requirements. For this reason VMobile will provide all necessary information documents on publicly accessible places such as its online platform, the PATHEARN app and other appropriate places.

The DPIA shows an **acceptable average level of risk** as the measures in place to protect the rights and freedoms of data subjects have been implemented satisfactorily.

The DPIA shows that the processing of the Data could not lead to the identification of certain data subjects or that this could happen with a disproportionate effort in extremely rare cases and with the availability of additional information/data.

VMobile has ensured that the persons through whom the Data will be collected do not have any access to it, that the Data is not stored on separate devices (except for a short period of time in case of broken server connection) and that their control and protection is entirely a VMobile's responsibility.

Controls are provided to ensure the confidentiality, integrity, and availability of the Data, encrypted channels for their retrieval, pseudonymization and/or anonymization for their use and transmission.

All internal rules and policies of VMobile would be updated in view of the implementation of the Project and the data flows in it.

#### **4. Measures envisaged to address the risks, including safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate GDPR compliance taking into account the rights and legitimate interests of data subjects and other persons concerned**

The impossibility for direct notification of all data subjects for the processing of the Data was determined as an activity with residual risk. VMobile takes additional measures for organizing an information campaign in this regard, in addition to all data protection documents created for the users of the PATHEARN app and the online platform. For this reason, we are also publishing this consolidated version of the DPIA - so that stakeholders can get acquainted in as much detail as possible with the processing activities.

The determined information security is adequate to the needs of the Project - the access to the Data is limited, the transmission of the Data to the server of VMobile is carried out on an encrypted channel, the work with the different data streams is strictly regulated. When data is collected, it is extracted from the image directly in the PATHEARN app and sent directly to the VMobile server. SSL (Secure Sockets Layer) and TLS (Transport Level Security) encryption are used. Buffer Stored Data (a certain amount of Data, in case of no connection to the VMobile server) in the device is also encrypted and transferred to the VMobile (and deleted from the device) immediately after reconnection. Users do not have access to the Data.

*The DPIA was conducted in compliance with the requirements of GDPR, the applicable EU and Turkish national legislations, Guidelines on Data Protection Impact Assessment (DPIA) and determining whether processing is “likely to result in a high risk” for the purposes of Regulation 2016/679, Guidelines 4/2019 on Article 25 Data Protection by Design and by Default<sup>4</sup>, Working Party 29 Opinion on the use of location data with a view to providing value-added services<sup>5</sup>, Guidelines 07/2020 on the concepts of controller and processor in the GDPR<sup>6</sup>, the Guidelines 01/2020 on processing personal data in the context of connected vehicles and mobility related applications<sup>7</sup> and all other applicable laws and regulations. Where the DPIA in the different Member States and Turkey has showed some minimal differences, they are strictly in line with the way the Project is implemented and the Data processed in each individual country.*

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<sup>4</sup> [https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-42019-article-25-data-protection-design-and\\_en](https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-42019-article-25-data-protection-design-and_en)

<sup>5</sup> [https://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/files/2005/wp115\\_en.pdf](https://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/files/2005/wp115_en.pdf)

<sup>6</sup> [https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-072020-concepts-controller-and-processor-gdpr\\_en](https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-072020-concepts-controller-and-processor-gdpr_en)

<sup>7</sup> [https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-012020-processing-personal-data-context\\_en](https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-012020-processing-personal-data-context_en)