

## Short Public Report

1. Name and version of IT-based service:

NEXELLENT

Function as provided upon finalisation of the evaluation (04/2014)

2. Provider of the IT-based service:

Company Name:

Deutsche Post AG

Address:

Charles-de-Gaulle-Straße 20, 53113 Bonn

Contact Person:

Christian Heuser

3. Time frame of evaluation:

*Evaluation started: 2014-01-01*

*Evaluation ended: 2014-03-25*

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

Name of the Legal Expert:

Dr. Stefan Drewes

Address of the Legal Expert:

DPA Drewes Privacy Advice GmbH

Kurt-Schumacher-Str. 16

53113 Bonn

Name of the Technical Expert:

Björn Runden

Address of the Technical Expert:

DPA Drewes Privacy Advice GmbH

Kurt-Schumacher-Str. 16

53113 Bonn

5. Certification Authority:

Name: EuroPriSe Certification Authority

Address: Joseph-Schumpeter-Allee 25

53227 Bonn

Germany

eMail: [ca@european-privacy-seal.eu](mailto:ca@european-privacy-seal.eu)

6. Specification of Target of Evaluation (ToE):

The NEXELLENT - System is based on an informational separation of powers: Several parties interact in order to capture the reaction of a microcell after obtaining a postal mailing.

The ToE covers the following aspects:

- processing activity in order to localize clients of a company within a micro-cell of Deutsche Post Direkt incl. a marking of a user /client of a company on the Internet creating reference files by parties involved in the NEXELLENT - System.

It does not include

- data transfer by networks / the Internet or mobile networks
- the hardware of the user / client who has access to a website
- further data processing by parties involved in the NEXELLENT - System

7. General description of the IT-based service:

Within the NEXELLENT - System a customer of an online shop is localized within a microcell of Deutsche Post Direkt in order to capture the reaction of a certain microcell after receiving a postal mailing. The reaction of a microcell will be finally aggregated and presented as a statistical overview.

In addition, the publisher of a website implements a web-bug on his website, in order to trigger a request for a cookie by a trusted 3<sup>rd</sup> party. Afterwards, the cookie ID as well as a further ID will be processed by a trusted 3<sup>rd</sup> party in order to capture the reaction after obtaining a postal mailing. It is not possible within the NEXELLENT - System to extend the scope of data being processed to further elements, in particular to behavioural data or even sensitive data in the sense of Art. 8 (1) Data Protection Directive 95/46.

The ToE does not use flash-cookies.

8. Transnational issues:

All data processing takes place within the European Union.

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

For the provision of the IT-based service the company makes use of virtualized Linux servers including OpenSource web service software like https, php and database tools. Virtual machines are housed in 3 different data centers. The processing of these data takes place in a cloud environment, exclusively within the European Union.

10. Edition of EuroPriSe Criteria used for the evaluation:

November 2010

11. Evaluation results:

**Set 1 Overview of fundamental issues:**

The processing can be divided into two aspects: First, the location of clients within a microcell of Deutsche Post Direkt takes place. Second, further reference databases are created by the third parties involved in the NEXELLENT - System. Within this system no directly identifiable data e.g. a name of a customer is involved. The data collected within the NEXELLENT - System are allocated to the 3<sup>rd</sup> parties involved and are processed in order to aggregate a reaction of a microcell in a statistical way.

## **Set 2 Legitimacy of data processing**

The processing of personal data involved takes place on the balance of interest clause as outlined in Article 7f of Data Protection Directive 95/46. The interest of a company to process personal data for marketing purposes is generally protected by this clause. This covers in particular the case that personal data are processed in order to present them in an aggregated way.

In addition, clients of the company are sufficiently informed about the processing of their personal data within the NEXELLENT – System including an opt - out option. A user can activate to stop being part of the NEXELLENT – System as long as the “blocking-cookie” is not deleted. This information is presented in a privacy declaration available at the website and - in addition - when the registration of new - respectively the log-in of present - customers takes place.

With regard to the storing of cookies in the terminal equipment of a user the transitional regulation of the EuroPriSe Certification Authority is applicable: according to this regulation the users are sufficiently informed about storing a cookie in the PC, offering a “do not track” functionality and in addition the option to consent to this processing of the cookie ID. Furthermore, cookies are stored only for 3 months. In addition to this, a special website of Deutsche Post AG informs the user about the relevant issues of the NEXELLENT - System including opt-out functionality as well as a possibility to consent to the processing of the cookie-ID.

No sensitive data are processed within NEXELLENT. The IP addresses involved are anonymised at the earliest stage possible.

As the NEXELLENT - System is based upon recent data all data collected will be erased within a very short period of time. All Data are erased automatically 6 month after collection.

Data will be collected and processed only as far as they are necessary to present statistics based on aggregated data. In particular, no data that could lead to a profiling are being processed within this system.

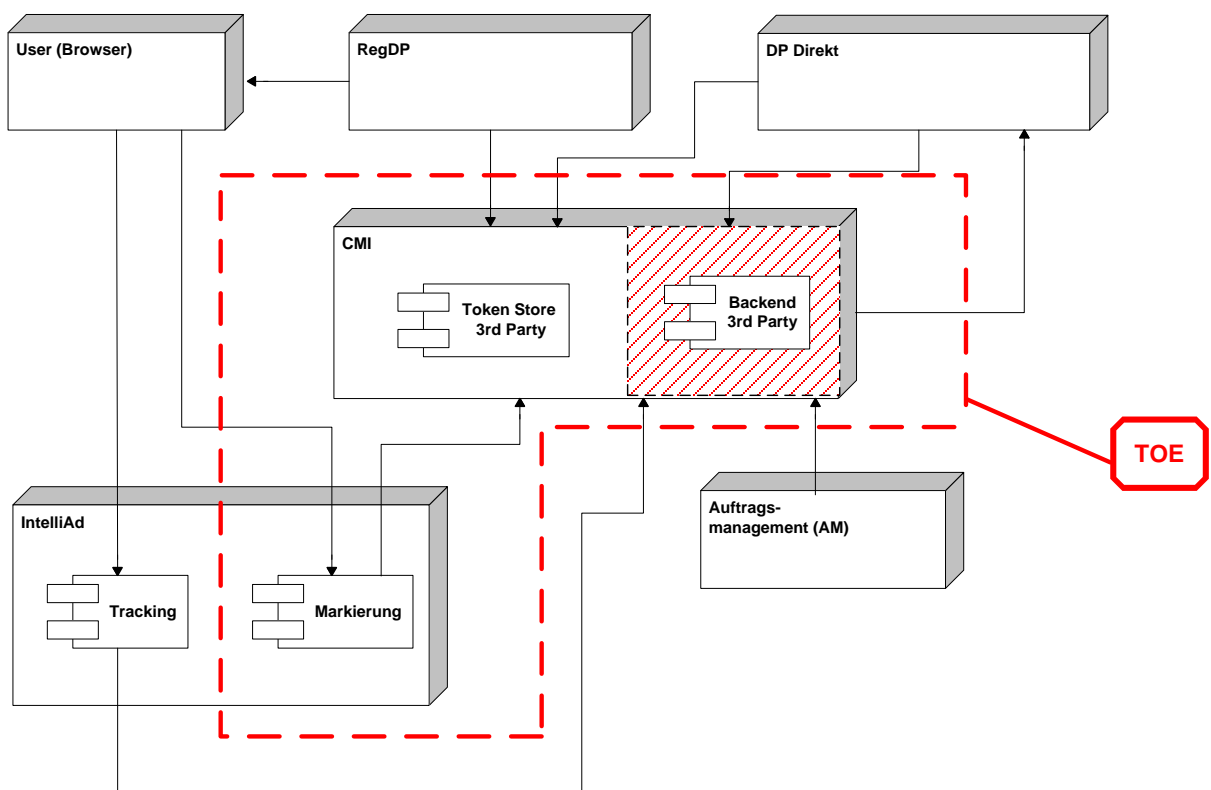
### Set 3 Technical-organizational measures

All data processing is based on a data exchange between computers without any interference of human beings. The data are encrypted where possible, to ensure that no unauthorized access of any data can occur. IT-infrastructure is well documented and IT-security-policy including incident management is in charge.

### Set. 4 Data Subject's Rights

Users are informed adequately at the time when their relevant personal data are collected. This information covers details about the controller, the processing and the purpose of processing, possible recipients of data as well as information about the right to object. In addition, the users are informed in a more detailed way at a special website, offering the opportunity to object and even to consent to this processing, including a storing of a cookie in the PC of the user.

#### 12. Data flow:



13. Privacy-enhancing functionalities:

The service enhances privacy by focusing on data avoidance and data minimization.

Through the informational separation of powers it is ensured that data are collected and processed on an identifiable level to the necessary extent only.

14. Issues demanding special user attention:

None

15. Compensation of weaknesses:

Does not apply

16. Decision table on relevant requirements:

<b><i>EuroPriSe Requirement</i></b>	<b><i>Decision</i></b>	<b><i>Remarks</i></b>
Data Avoidance and Minimisation	excellent	<i>The service makes intensive use of pseudonymisation and data minimisation. Within the NEXELLENT - System personal identifiable information is just collected and processed to the extent necessary. Cookies are stored for only 3 months; all data are erased 6 months after collection.</i>
Transparency	adequate	<i>Users are informed adequately about the processing that takes place within the NEXELLENT - System including information about the right to object as well as the right to consent to the processing of cookies.</i>

Technical-Organisational Measures	adequate	An excellent technical documentation of services and of technical and organisational measures is in place. Technical and organisational measures are taken within the NEXELLENT - System to ensure the protection of data is adequate. It is assured that state-of-the-art measures are in place to protect access to data and programs by unauthorized 3 <sup>rd</sup> parties
Data Subjects' Rights	adequate	Data subject rights are enhanced by providing visitors with the option to "opt-in" to the storing of cookies. Certainly users can object to the storing of cookies as well.



## Experts' Statement

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

Bonn,

Dr. Stefan Drewes

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Place, Date

Name of Legal Expert

Signature of Legal Expert

Bonn,

Björn Runden

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Place, Date

Name of Technical Expert

Signature of Technical Expert

## Certification Result

The above-named IT-based service passed the EuroPriSe evaluation.

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

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Place, Date

Name of Certification Authority

Signature