

Position paper - Processing of personal data in the EV Charging chain

Privacy WG – eViolin
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Introduction

With this paper, the eViolin Privacy Workgroup aims to clarify the roles and responsibilities of the stakeholders in the EV charging chain and achieve a unified understanding on the processing of personal data within the charging ecosystem.

This is done via establishing a number of definitions and decisions for both public and home charging sessions and all related electric charging services (EV), not limited to the current business models that are shown on the following slides.

This paper applies to all companies subject to GDPR or having adopted BCRs (Binding Corporate Rules). Due to emerging data privacy laws globally, which predominantly are using the same or alike definition structure as GDPR, this paper most likely applies also for companies outside of the before mentioned scope but that is for the individual Members to decide.

Established definitions GDPR

- Personal Data: means any information relating to an identified or identifiable natural person ('data subject'). Data not directly identifying a natural person may also be “personal data” when used together with additional information making it possible to identify the natural person and even where only a third party has the additional data necessary to identify the natural person.
- Independent Controller: an entity that actually exerts a decisive influence on the purposes and means of the processing, it decides independently the “why” and “how”. (*Hereinafter referred to as “Controller”*)
- Processor: a separate entity in relation to the controller, who processes personal data on the controller’s behalf. The processor must not process the data otherwise than according to the controller’s instructions.

Qualification dataset

Even if the dataset, processed within a certain stage of the processing activity, contains no clear indications about which natural person the data relates to, it still can be personal data according to law when a combination with otherwise available data (that can be obtained with reasonable efforts by the processing entity) reveals the identity of the data subject.

GDPR application in the EV charging chain

1. Personal data in charging session

All data of the data subject performing a charging session as well as data about the charging session itself qualify as personal data as long as it can be attributed to the data subject and its charging session.

All business models deal with this kind of personal data, for example date, time and location of the charging process together with the RFID attributed to the data subject as well as data on the transaction data.

2. Qualification EV parties

All EV parties with the exception of the data subject, **qualify as a Controller**, because they decide for themselves:

- to collect the personal data because it is needed to operate a certain business model;
- to invest in creating such business model and offer as a main product or service to others;
- the scope of the dataset, type of personal data that is collected and the purpose of use of the personal data;
- on the means of the data processing and uses systems they designed, develop and control themselves;
- whether a processor for hosting the personal data collected is engaged;
- whether to disclose the personal data, and if so, to whom;
- decide what to tell the data subjects about processing;
- decide how to respond to request of data subjects;
- decide how long to retain the data;

Furthermore the EV parties are not making converging decisions on the purpose and means of the processing activities. They cooperate, but their activities are not inextricably linked.

GDPR application in the EV charging chain

3. Arrangements between EV parties

The role qualifications result in the need or (legal) obligation to put data privacy related arrangements in place, which are:

- A clause or contract stating confirming the role of independent data controllers. EV parties will not enter into data processor clauses or agreements amongst them;
- Transparency towards the EV driver via a directly available privacy notice.

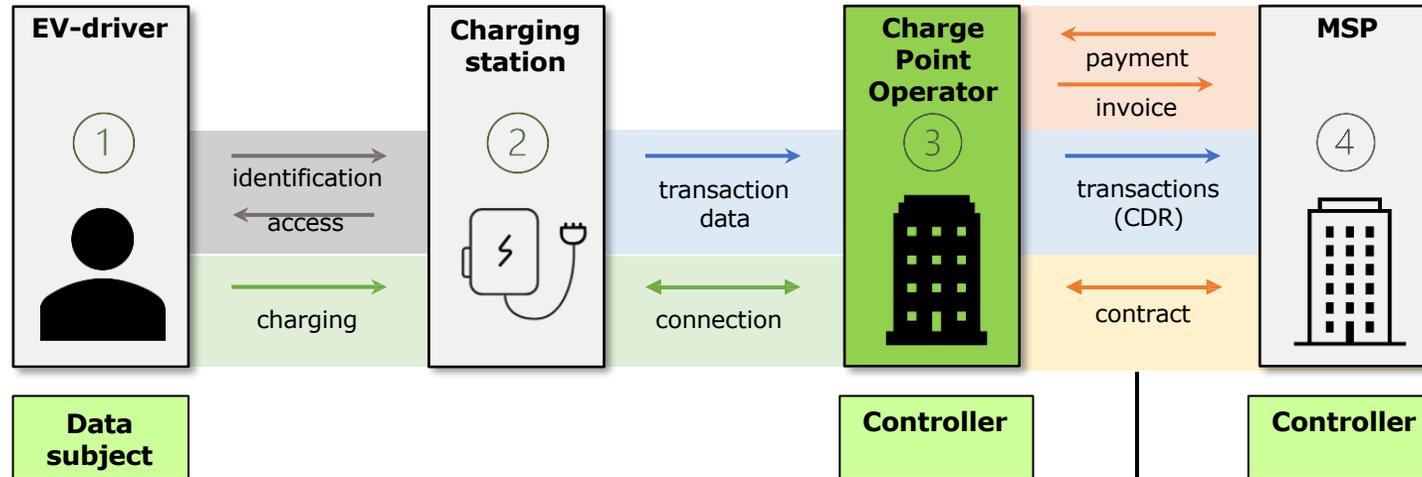
The following slides contain six business models to support the decisions taken.

On the following slides most common configurations in the EV eco-system are shown for clarification purposes.

Each slide contains a graphical overview with the collaborations between the various EV parties and the personal data exchanges.

BUSINESS MODEL 1: CHARGE POINT OPERATOR

A party operating as a Charge Point Operator (“CPO”) rendering services B2B and B2B2C. The CPO manages and sets up the charging infrastructure and arranges roaming and billing with the Mobility Service Provider (= technical & administrative)



Exchange of personal data EV-driver

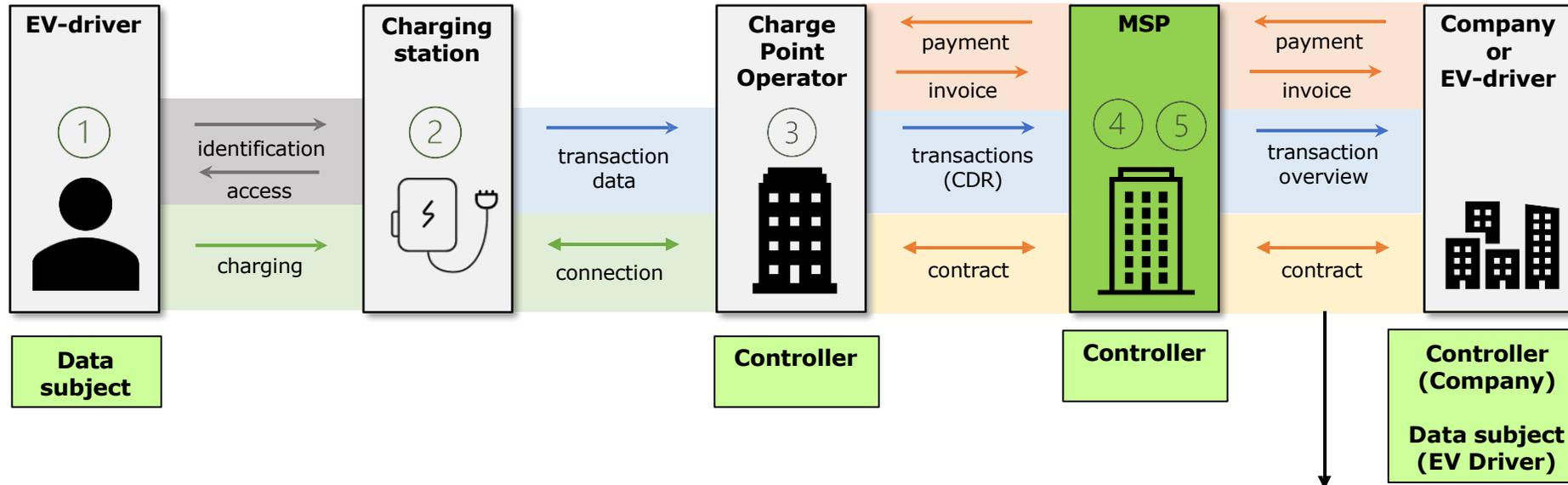
- Date of transaction
- Time of transaction
- Location of transaction
- RFID number charge card

- Validation
- Charging
- Exchange
- Legal
- Billing

1. EV-driver charges his car
2. Charge Point Operator (CPO) collects records of all charge sessions from the charging station
3. CPO sends the transaction records (CDRs) and an invoice to the Mobility Service Provider (MSP)
4. MSP pays the CPO

BUSINESS MODEL 2: MOBILITY SERVICE

PROVIDER
 A party operating as a Mobility Service Provider (“MSP”) rendering related services B2B and B2B2C. The MSP has a contract with the EV driver or his company for all services related to electric charging



Exchange of personal data EV-driver

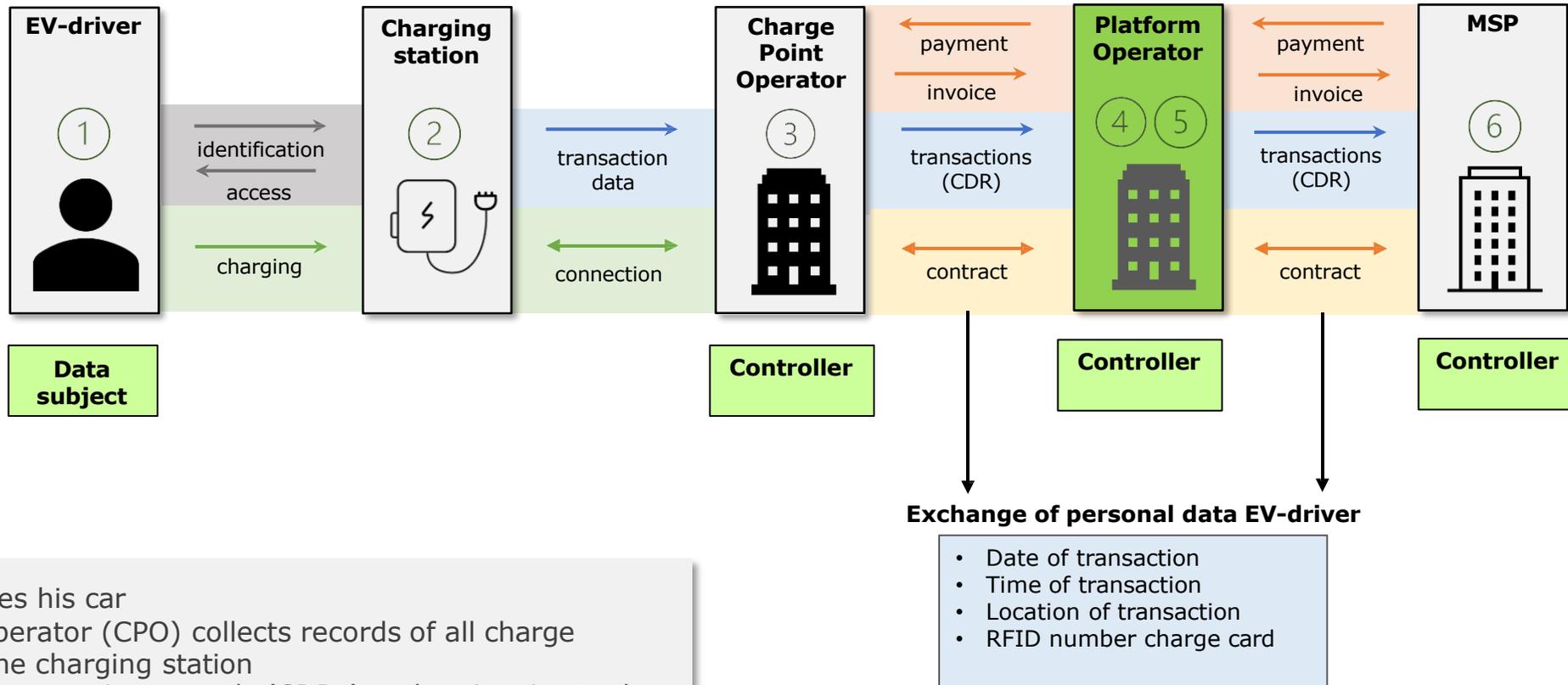
- Date of transaction
- Time of transaction
- Location of transaction
- RFID number charge card

- Validation
- Charging
- Exchange
- Legal
- Billing

1. EV driver charges his car
2. Charge Point Operator (CPO) collects records of all charge sessions from the charging station
3. CPO sends the transaction records (CDRs) and an invoice to the Mobility Service Provider (MSP)
4. MSP pays the CPO
5. MSP invoices the company and provides transaction details to match. Company invoices their client in turn

BUSINESS MODEL 3: PLATFORM OPERATOR

CPO A party operating as a Platform Operator (“PO CPO”) rendering related services B2B. The PO CPO connects CPOs to her platform to arrange roaming and billing with the Mobility Service Provider (= only administrative)

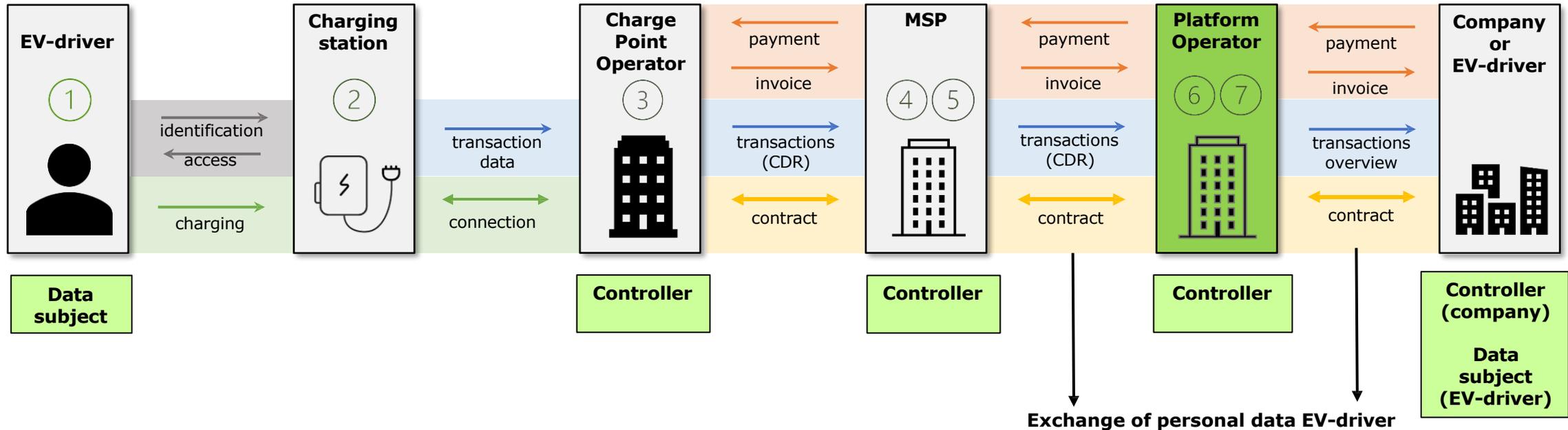


1. EV driver charges his car
2. Charge Point Operator (CPO) collects records of all charge sessions from the charging station
3. CPO sends the transaction records (CDRs) and an invoice to the Platform Operator (PO)
4. PO pays the CPO
5. PO sends the transaction records (CDRs) and an invoice to the Mobility Service Provider (MSP) and provides transaction details to match
6. MSP pays the PO

- Validation
- Charging
- Exchange
- Legal
- Billing

BUSINESS MODEL 4: PLATFORM OPERATOR

MSP A party operating as a white label platform ("PO MSP") rendering related services B2B and B2B2C. The PO MSP provides electric vehicle charging roaming services to the EV driver or his company



Exchange of personal data EV-driver

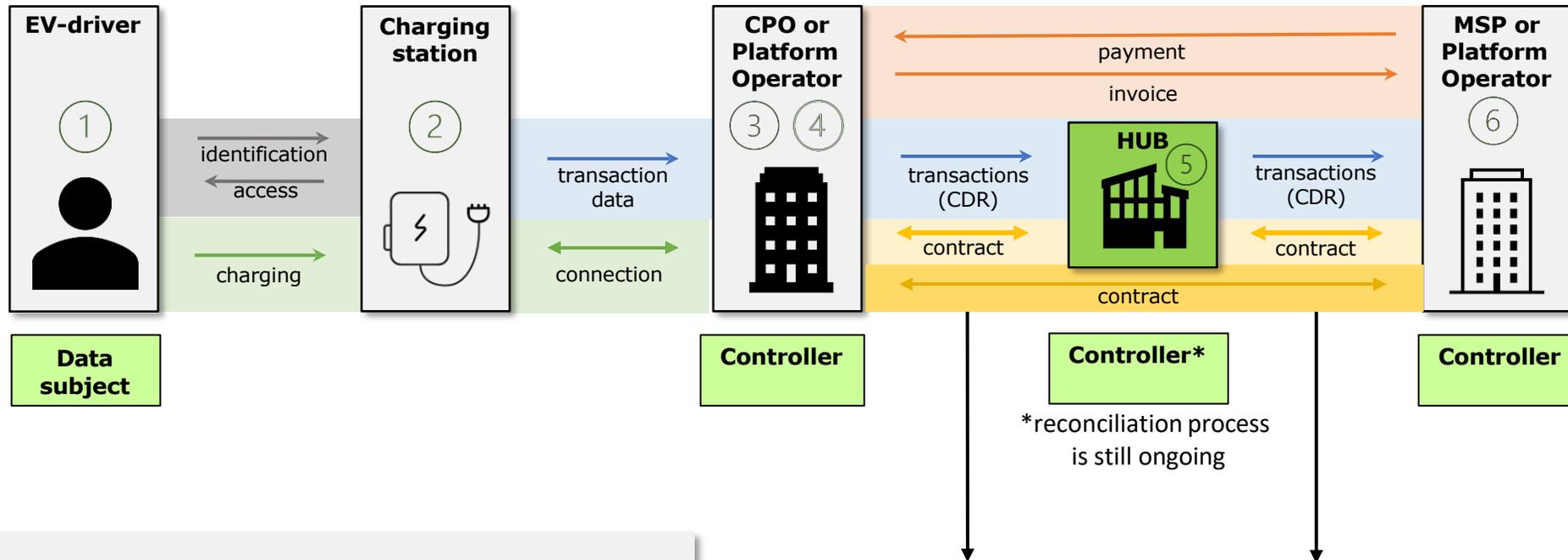
- Date of transaction
- Time of transaction
- Location of transaction
- RFID number charge card

1. EV driver charges his car
2. Charge Point Operator (CPO) collects records of all charge sessions from the charging station
3. CPO sends the transaction records (CDRs) and an invoice to the Mobility Service Provider (MSP)
4. MSP pays the CPO
5. MSP sends the transaction records (CDRs) and an invoice to the PO and provides transaction details to match
6. PO pays the MSP
7. PO invoices the company and provides transaction details to match. Company invoices their client in turn

- Validation
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BUSINESS MODEL 5: HUB

A party operating as a platform between CPO, MSP and/or Platform Operators. The hub connects different market players to create a digital and cross-border charging network for electric vehicles



Exchange of personal data EV-driver

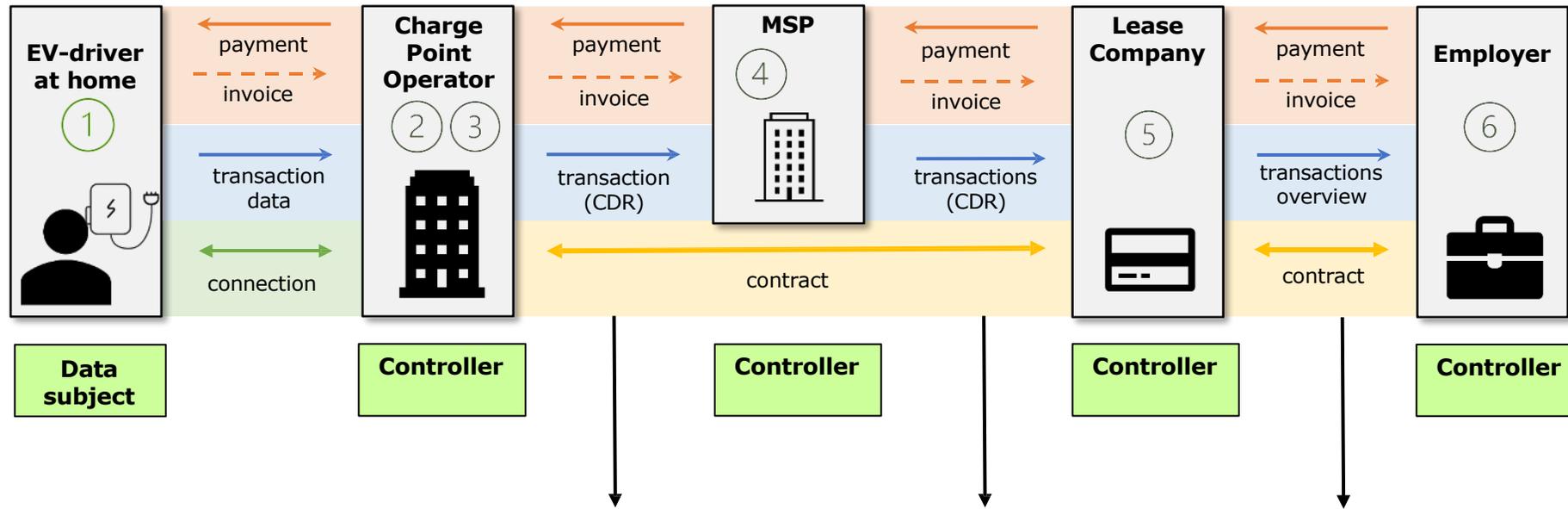
- Date of transaction
- Time of transaction
- Location of transaction
- RFID number charge card

- Validation
- Charging
- Exchange
- Legal
- Billing

1. EV driver charges his car
2. Charge Point Operator (CPO) or Platform Operator (PO) collects records of all charge sessions from the charging station
3. CPO or PO sends the transaction records (CDRs) and an invoice to the HUB
4. CPO or PO sends an invoice to the Mobility Service Provider (MSP) or PO
5. HUB sends the transaction records (CDRs) to the MSP or PO and provides transaction details to match
6. MSP or PO pays the CPO or PO

BUSINESS MODEL 6: HOME CHARGING COMPENSATION

An EV-driver is charging at home with a company car and gets the energy costs paid back by his employer.



Exchange of personal data EV-driver

- Date of transaction
- Time of transaction
- Location of transaction
- RFID number charge card

--- invoice → = invoicing depends on situation. Does not have impact on relation between parties

- Validation
- Charging
- Exchange
- Legal
- Billing

1. EV driver charges his company car at home
2. Charge Point Operator (CPO) collects records of all charge sessions from the EV-driver at home
3. CPO sends the transaction records (CDRs) to the Mobility Service Provider (MSP)
4. MSP sends the CDRs to the Lease Company (LC)
5. LC provides transaction details to employer to match
6. Employer pays the transactions to the EV-driver via the LC etc.

NEXT STEPS

We need to look into the legal implications that apply to the stakeholders, now that we qualify them as independent controllers. Mainly, how can the stakeholders meet the legal obligation based on art. 13 GDPR to adequately inform the data subject?

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