

# TERMS OF PARTICIPATION

## I. ORGANIZER

The BMW SIM M2 CS Racing Cup is organized by BMW AG, Petuelring 130, 80788 Munich, hereinafter called "BMW" or "Organizer" and Studio397 B.V., Regentesselaan 11, 7316 AA Apeldoorn, The Netherlands, hereinafter called "rFactor2".

## II. REGULATIONS

The BMW SIM M2 CS Racing Cup is governed by the official Code of Conduct defined by rFactor2 (see: <https://www.studio-397.com/code-of-conduct/>), hereinafter the "Code of Conduct".

## III. PRIZES

The top-3-placed drivers in each race of the BMW SIM M2 CS Racing Cup will receive prize money in accordance with their final race position.

Position	1	500.00 €
	2	250.00 €
	3	100.00 €

The winning driver of each race will qualify for participation in the BMW SIM M2 CS Racing Cup Final at BMW SIM Live 2021. If the winning driver of a race has already qualified for participation in the final, the best-placed driver that has not yet qualified will move up. The distribution of the prize money remains unaffected by this postponement.

Each driver, who has qualified for the prize money by his/her race result, is obliged to send the completed and signed bank data request form within 7 days after the respective race to the following email address: [simorga@bmw-motorsport.com](mailto:simorga@bmw-motorsport.com).

## IV. Taxes

In case the entrant's participation in an BMW SIM M2 CS Racing Cup results in any prize money recognition the amount will be paid after deduction of withholding taxes, levies, duties or administrative fees, if any, that must be withheld at source by BMW and paid to the responsible

tax authority on behalf of the entrant due to legal requirements in accordance with applicable law and regulations.

The parties have sole responsibility to comply with respect to their own tax obligations and/or liabilities arising from their BMW SIM M2 CS Racing Cup engagement. Should any loss, damage or any other disadvantage to either party arise from a breach of the other party's obligations or responsibilities under this clause then the party which is responsible for such loss, damage or any other disadvantage shall fully indemnify the other party.

## V. INTELLECTUAL PROPERTY RIGHTS

By registering for the BMW SIM M2 CS Racing Cup, the participant grants BMW the rights to film and take images of BMW SIM M2 CS Racing Cup races. The participant grants BMW spatially and temporarily unlimited rights to process any images or films taken of the participant and to use these for general reporting and PR, advertising purposes, exhibition posters, invitations, exhibitions, e-cards, screen savers, calendars, catalogues, books, etc.

## VI. EXCLUSION OF A PARTICIPANT

A participant who has registered with incorrect data, or has breached the rFactor2 Code of Conduct or terms of participation in another way, can be excluded from the BMW SIM M2 CS Racing Cup by the organizer and by rFactor2. The same applies to participants who use banned or improper means or achieve an advantage through manipulation in other ways.

## VII. MISCELLANEOUS

The Organizer expects fair sportsmanship from all drivers and participants. Any behavior that has a disadvantageous effect on the BMW brand name shall result in disqualification from the BMW SIM M2 CS Racing Cup.

The decisions made by the Organizer or rFactor2 concerning all matters pertaining to the BMW SIM M2 CS Racing Cup are final. The Organizer is authorized to cancel the BMW SIM M2 CS Racing Cup and the associated final races at any time. All changes made to the race mode, the prizes or the procedure of the BMW SIM M2 CS Racing Cup will be announced to all

participants involved. In this case, the participant has no right to compensation.

Should individual regulations in these terms of participation be or become invalid, the remaining regulations shall still be valid.

## LEGAL INFORMATION ON DATA PROTECTION

Version: February 2021

The high expectations you have of BMW products and services serve as the guiding principle for how we deal with your data.

We strive to achieve and maintain the basis for a trusting business relationship with our customers, potential customers and employees. The confidentiality and integrity of your personal data is of particular concern to us.

### Who is responsible for data processing?

Bayerische Motoren Werke Aktiengesellschaft, Petuelring 130, 80788 Munich, headquarters and registry court: Munich HRB 42243 (hereafter referred to as “BMW”) is the organizer of the “BMW SIM M2 CS Racing Cup” competitions, and is responsible for the data processing in the context of the payment of the prize money.

### What data about you do we process, and for what purpose?

Data obtained in connection with the conclusion of a contract or the performing of a service is subsequently processed for the purposes named below:

#### A. Payment of prize money (Art. 6 par. 1 lit. b) GDPR)

The following named data categories will be processed:

- Contact data (last name, first name, e-mail address, bank account information, team membership)
- Personal data (nationality)
- Driver information (Driver standings, driver performance, team standings, race results, start positions, championship standings, track records, driver history)

#### B. Film and video recording (Art. 6 par. 1 lit. f) GDPR)

Furthermore, please note that BMW – itself or via a third party tasked by BMW – will generate photographic images and film recordings (the “footage”) as part of the BMW SIM M2 CS Racing Cup. The footage is created for the purpose of reporting on the BMW communication platforms (e.g. website, Facebook, Twitter, Instagram, YouTube, Twitch).

### For how long do we save your data?

We only save your personal data for as long as the respective purpose requires it. If personal data is processed for multiple purposes, the personal data is automatically deleted or saved in a form that cannot be directly traced, as soon as the final purpose specified has been served.

### How is your data saved?

We store your personal data in accordance with the latest technology. As an example, the following security measures are implemented, in order to protect your personal data against misuse or other unauthorized processing:

- Access to personal data is restricted to a limited number of authorized persons for the purposes specified.
- Data obtained is only transferred in encrypted form.
- Sensitive data is only saved in encrypted form.
- The IT systems for processing data are technically sealed by other systems, in order to prevent unauthorized access, such as by hacking.
- Furthermore, access to these IT systems is monitored permanently, in order to swiftly identify and prevent misuse.

### To whom do we forward data, and how do we protect this data?

BMW is a global company. Personal data will be processed by BMW employees, national sales agencies, authorized retailers and service providers tasked by us, preferably within the EU. If personal data are to be processed in countries outside the EU, BMW will use EU Standard Contracts, including technical and organizational measures, to ensure that your personal data is processed in accordance with European data protection standards. If you would like to view the specific protection measures for forwarding data to other countries, please contact us using the communication channels listed below.

For some countries outside the EU, such as Canada and Switzerland, the EU has already defined a comparable level of data protection. Thanks to this comparable data protection level, data transfer to these countries does not require any special authorization or agreement.

#### **Contact details, your individual rights, and your right to complain to a regulatory authority.**

If you have any questions regarding the way we use your personal data, please contact the BMW SIM M2 CS Racing Cup organization team via E-mail at [simorga@bmw-motorsport.com](mailto:simorga@bmw-motorsport.com).

Furthermore, you can contact the responsible data protection officer:

Data Protection Officer  
Petuelring 130,  
80788 Munich,  
[datenschutz@bmw.de](mailto:datenschutz@bmw.de)

As the person affected by the processing of your data, you can assert certain rights, in accordance with the GDPR (General Data Protection Regulation) and other relevant data protection regulations. The following section explains your individual rights, in accordance with the GDPR.

#### **Individual Rights**

In accordance with the GDPR, you, as the person affected, have the following rights vis-à-vis BMW:

#### **Right of access by the data subject (Art. 15 GDPR):**

You have the right, at any time, to obtain information from us regarding your data, which we hold about you. Among other things, this information relates to the data categories we process, the purposes for which we process this data, the origin of the data if we have not obtained it directly from you, and, if necessary, the recipient, to whom we have disclosed your data.

You can receive a free copy of your data from us. If you are interested in having more than one copy, we reserve the right to charge you for further copies.

#### **Right to rectification (Art. 16 GDPR):**

You have the right to obtain from us the rectification of your data. We will implement appropriate measures in order to correctly store all your current data, which we hold about you and process regularly, based on the latest information available to us.

#### **Right to erasure (Art. 17 GDPR):**

You have the right to request the deletion of data held about you, provided the legal prerequisites are satisfied. In accordance with Art. 17 GDPR, this is the case, for example, if

- the data is no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- you withdraw your consent, on which the processing is based, and where there is no other legal ground for the processing;
- you object to the processing of your data and there are no overriding legitimate grounds for the processing, or you object to the processing of your data for the purpose of direct marketing;
- the data has been unlawfully processed, if the processing is unnecessary;
- to comply with a legal obligation, which requires us to process your data;
- particularly with regard to legal retention periods;
- to establish, exercise or defend legal claims.

#### **Right to restriction of processing (Art. 18 GDPR):**

You can request us to restrict the processing of your data if

- you contest the accuracy of the data, for a period allowing us to verify the accuracy of the data;
- the data processing is unlawful and you oppose the erasure of your data and request the restriction of its use instead;
- we do not need your personal data for the purposes of the processing, but you require it for the establishment, exercise or defense of legal claims;
- you have objected to the processing, pending the verification whether our legitimate grounds override yours.

#### **Right to data portability (Art. 20 GDPR):**

Upon your request, we will transfer your data – where technically feasible – to another controller. However, you only have this right if the data processing is based on your consent or required in order to perform a contract. Instead of receiving a copy of your data, you can also request that we transfer the data directly to another controller, specified by you.

#### **Right to object (Art. 21 GDPR):**

You have the right to object, on grounds relating to your particular situation, at any time to the processing of your data, provided the data processing is based on your consent or our legitimate interests, or those of a third party. In

this case, we will no longer process your data. The latter does not apply if we are able to prove compelling and legitimate reasons for the processing, which override your interests, or if we require your data to establish, exercise or defend legal claims.

#### **Time frames for the satisfaction of the rights of the data subject**

We always strive to respond to all queries within 30 days.

However, this time frame can be extended for reasons relating to the specific right of the data subject or the complexity of your query.

#### **Restriction of information when satisfying the rights of the data subject**

In certain situations, legal requirements mean we may be unable to provide information about all of your data. If we have to turn down your request for information in such a case, we will inform you of the reasons for this.

#### **Complaints to regulatory authorities**

BMW takes your concerns and rights very seriously. However, should you be of the opinion that we have not taken adequate steps with regard to your complaint or concern, you have the right to lodge a complaint with a responsible data protection authority.