

# PLATFORM TERMS OF USE SILVERDAT PRODUCT RANGE ("HOSTING" SERVICES)

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## TABLE OF CONTENTS

1	Illegal Contents .....	1
2	Measures against inappropriate behaviour by customers and other users .....	2
3	Contact mechanism for reporting and redress procedures pursuant to Art. 16 DSA.....	2
4	Contact point pursuant to Articles 11, 12 DSA.....	3

These Platform Terms of Use contain provisions, processes and notifications for the implementation of Regulation (EU) 2022/2065 of the European Parliament and of the Council (Digital Services Act, hereinafter referred to as "DSA"). The DSA regulates the provision of certain digital intermediary services in the EU and sets out rules for the role of providers as well as requirements for content moderation and transparency obligations. These provisions only apply to you if you use an application of the SilverDAT product range (hereinafter "SilverDAT"), which falls within the scope of the DSA and therefore offers the option of storing information provided by the user on his behalf.

## 1 ILLEGAL CONTENTS

You are obliged to use SilverDAT and any content posted by you - irrespective of its form - in a lawful manner and not to use SilverDAT to publish content or transmit messages that are or whose posting (is)

- ▶ immoral, pornographic, racist or offensive in any other way,
- ▶ contain defamatory, offensive, threatening, obscene material, material harmful to minors, material contrary to public decency or material that jeopardises the protection of minors,
- ▶ offends the religious and cultural interests of other users and/or customers or are discriminatory in any other way,
- ▶ biased or deliberately untrue,
- ▶ infringes the rights of third parties, in particular copyrights,
- ▶ breaches applicable laws in any other way or constitute a criminal offence, such as the sharing of images of child sexual abuse, the unlawful sharing of private images without consent, cyber-stalking,
- ▶ contains viruses or other computer programs that may damage software or hardware or impair the use of computers,
- ▶ are surveys or chain letters or disguised advertising, or
- ▶ serve the purpose of collecting and/or using personal data from other customers and/or users, in particular for business purposes,
- ▶ contain terrorist content.

You are also obliged,

- ▶ not to carry out or disclose any benchmarking or availability tests of the software,
- ▶ not to conduct or disclose any performance or vulnerability testing of the software without prior written authorisation of Deutsche Automobil Treuhand GmbH, and not to conduct or disclose any network discovery, port and service identification, vulnerability scanning, password cracking or remote access testing of the Services; and
- ▶ not to use the software to carry out cyber or cryptocurrency mining.

## **2 MEASURES AGAINST INAPPROPRIATE BEHAVIOUR BY CUSTOMERS AND OTHER USERS**

DAT may in particular take the following measures if there are concrete indications that a customer and/or user is violating statutory provisions, third-party rights or these platform terms of use, or if DAT has another legitimate interest, in particular to protect other customers or users:

- ▶ Warning customers or users,
- ▶ Deleting details, images etc.
- ▶ temporary, partial or permanent blocking.

DAT may also permanently exclude a customer or other user from active use of SilverDAT (permanent block) if they have provided false contact details when registering, in particular a false or invalid e-mail address, if they cause significant damage to other customers or if there is other good cause.

As soon as a customer or other user has been temporarily or permanently blocked, they may no longer use SilverDAT with other customer or user accounts and may not log in again.

## **3 CONTACT MECHANISM FOR REPORTING AND REDRESS PROCEDURES PURSUANT TO ART. 16 DSA**

You can report any illegal content within SilverDAT especially by using the support request under myDAT Services or by e-mail to [kundendienst@dat.de](mailto:kundendienst@dat.de).

Your notification must contain the following information:

- ▶ a duly substantiated explanation of why the information in question is considered illegal content;
- ▶ a clear indication of the exact electronic storage location of this information, such as the precise URL address or addresses, or, if necessary, further information relevant to the type of content to identify the illegal content;
- ▶ Your name and email address, unless the information is considered to relate to a criminal offence referred to in Articles 3 to 7 of Directive 2011/93/EU;
- ▶ Declaration that you believe in good faith that the information and statements contained in the notification are correct and complete.

## 4 CONTACT POINT PURSUANT TO ARTICLES 11, 12 DSA

The following e-mail address is the contact point for Member State authorities, the Commission, the body referred to in Article 61 DSA and users of the services: kundendienst@dat.de

Contact is possible in the following languages: German, English.