C E R T I F I C A T E

no. 456/23

ePrivacyseal GmbH

Große Bleichen 21, 20354 Hamburg, Germany

hereby certifies* that

as determined in the certification decision of 30 June 2023

NIO GmbH

Montgelassstraße 14, 81679 Munich, Germany

as a controller/ joint controller in the sense of art. 4(7) GDPR

operates its product or service

„NIO APP - functions Home (Community, Badges), Friends (Instant Messaging), Life (NIO Points) and Account (Registration & Login, Profile Maintenance and 5-Star Comments)"

version 1.9.0 as of 26 October 2022

as defined in annex 1 and to the exclusion of the processing activities in annex 2 to this certificate.

in conformity with the criteria catalogue for the "ePrivacyseal EU" (version 3.0 of May 2022)

of ePrivacyseal GmbH.

final audit day: 30/06/2023

next planned monitoring by 29/06/2025

period of validity: 30/06/2023 – 29/06/2025

Annex 1 to certificate no. 456/23

Definition of processing activities

NIO introduces various products and services around their luxurious EVs with cutting edge technology.

NIO App is another product NIO offers to its customers for various purposes including building a NIO community around the brand where it is possible for the fans and users to communicate and share ideas among each other and to the public. To fully benefit from all these features, the customer must create and account and be logged in. In the app, the app user is able to check their account data. With the app, NIO intends to spread information on the brand, the vehicles, the events, the technology used, and the latest company updates in EU. The app will help in creating a community of the brand in EU. It provides especially the following features: Home (Community, V-Badges), Friends (Instant Messaging), Life (NIO Points) and Account (Registration and Login, Profile Maintainance, 5-star comments).

Annex 2 to certificate no. 456/23

Excluded processing activities

The following functions and/or services and/or product-versions are not subject to this evaluation and have not been reviewed by the experts:

- All other functions except those listed in the "functions in scope" sheet as functions of the app that are to be reviewed. (Therefore out of scope are among others the main function Vehicle and following subfunctions: Events (subfunction of Home), Order Goods and Payment (subfunctions of Life) and E-Mail Marketing (subfunction of Account)).
- Any data processing that is not shown in the functions sheets and their respective data types sheets in this document. Processing of any data types not listed in the data types sheets.
- Any data processing by (joint) controllers other than NIO GmbH. The consideration of duties, data security and other conditions at (joint) controllers other than Nio GmbH.
- Any data processing where not NIO GmbH is controller.
- Other Nio services besides NIO APP v1.9.0
- NIO APP as it is provided to users outside the EU/EEA.
- The usage of the EU/EEA-version Nio App outside of the EU/EEA
- Any other NIO services or third party services or service providers connected or associated with or using NIO App. Third-Party apps that may interact with NIO App.
- The usage of personal data by Nio or any of their affiliates or 3rd parties for purposes like - but not restricted to:
  - o any BI applicaition or AI learning (this includes all activities of the BI or carried out in connection with it), or any other big data solution or data mining,
  - o analytics and development purposes, including creating aggregated groups based on usage activities,
  - o targeting and directed marketing activities,
  - o support and communication,
  - o conducting customer surveys and customer complaint handling,
  - o maintenance, problem diagnosis and fixing,
  - o user identification.

  This includes also any back-end services and processes which relate to the a.m. operations.
- E-Mail Marketing, Newsletter and contacting user by email, phone or sms are not in scope.
- Car order process, Orion and TSP itself as well as processings by Silver Dragon are not in scope.
- Titan is out of scope.
- Areas marked "not available yet".
- Push notification or email or contact via mobile phone.
- Any tracking, analysing or other processing of senstitive data.
- Any transfer of personal data outside of the EU/EEA.

- Any tracking of users or analysing of user behaviour as well as anonymization or pseudonymization of data corcerning it.
- Usage of the app without an account as far as the functions described in this document require an account.
- TOMs of any processor or controller apart from NIO GmbH.
- Maintenance and troubleshooting of the app.
- Other data transfers / use cases of servers mentioned as part of the infrastructure in the evaluation.
- The processing of any data exept of end user data. Therefore among others employee data or data of personnel is not in scope.
- Social Media as authentication method.