

DATA PRIVACY STATEMENT OF ÖBB-PERSONENVERKEHR AG ON VIDEO SURVEILLANCE

1. SCOPE OF APPLICATION

- 1.1 This data privacy statement governs the processing of personal data in the course of video surveillance carried out by ÖBB-Personenverkehr AG (“**ÖBB-PV AG**” or “**we**”).
- 1.2 The processing of personal data by ÖBB-PV AG, as controller, is essentially subject to the General Data Protection Regulation (“**GDPR**”) and the Austrian Data Protection Act 2018 “**DSG**”). Where ÖBB-PV AG trains are on the sovereign territory of other EU Member States, the processing of personal data by ÖBB-PV AG may also be subject to the relevant national data protection laws of such Member States. Feel free to contact ÖBB-PV AG, as controller defined in GDPR, under the contact details specified in section 11.

2. DATA PROCESSING, PURPOSES AND LEGAL BASIS

2.1 Video surveillance

2.1.1 ÖBB-PV AG processes video recordings shot in the areas set out in section 3, based on legitimate interests (Art. 6(1) f) GDPR and § 12 DSG) or based on a legal obligation or legal permission (Art. 6(1) c) GDPR and § 12 DSG) around the clock on any day of the year for the following purposes:

- (a) Guarantee of security and system for railway operation and the operation of other systems and facilities of the controller (fulfilment of security requirements);
- (b) Property protection (protection of passenger trains, including traction equipment, systems and cash);
- (c) Protection and improvement of security of passengers, employees and other data subjects (in particular customers and employees of ÖBB-PV AG);
- (d) Prevention, containment and clarification of relevant conduct under criminal and civil law (general prevention), where the controller’s area of responsibility is concerned;
- (e) Preservation of evidence as required (i.e. in the event of risk, injury or damage to persons or objects for the clarification of relevant conduct under criminal and civil law);
- (f) Judicial and insurance-related handling of cases;
- (g) Preserving evidence base for internal investigations of ÖBB-PV AG and drafting of legally stipulated reports to the competent railway authority;
- (h) Basic material for internal training courses in anonymized form.

2.1.2 The video recordings register and store the following personal data for data subjects:

- (a) Image data (appearance, conduct) of data subjects;
- (b) Time and location of image recording;
- (c) Identity and role (perpetrator, victim, witness, etc.) of data subjects, where identifiable from the recording.

3. OPERATIONAL AREAS FOR VIDEO SURVEILLANCE SYSTEMS

3.1 ÖBB-PV AG operates video surveillance systems in various operational areas, and passengers, employees, customers and accompanying persons may appear in these recordings.

3.2 ÖBB-PV AG operates video surveillance systems in the following areas / cases:

- (a) At high-risk ticket machines;
- (b) Ad-hoc operation of mobile video surveillance for the documentation of security-critical situations by ÖBB-PV AG employees in the on-board train crew (body-cams);
- (c) At cash points and distribution outlets (cash desks);
- (d) On passenger trains in Austria and neighbouring countries, which can be accessed by ÖBB-PV AG passenger trains.

4. SITUATION OF VIDEO SURVEILLANCE SYSTEMS AND CAMERA ANGLES

4.1 Essentially each installation site for individual video surveillance systems and the relevant camera angle is limited to an absolutely necessary extent. Both shall conform to the necessary aspects of security to be observed in the individual case.

4.2 Video surveillance systems shall be situated as follows:

- (a) Ticket machines: necessary groups of people in the individual case (customers and potential attackers) are recorded by the locating cone;
- (b) Body-cams: video surveillance devices are affixed to the uniforms of our employees between the shoulder and chest area in a clearly visible way and record all events taking place in front of the employee.
- (c) Cash points and distribution outlets (cash desks): video surveillance devices are situated so that customers are recorded from the front.
- (d) Video surveillance systems in passenger trains: individual video surveillance devices are affixed by train type, while observing structural engineering and technical security considerations in the individual case. The recording cone includes the entire railway carriage area. Furthermore, video surveillance devices affixed to the outside of the train

record the platform area right next to the passenger train for security reasons and in order to identify persons as required.

5. LOCATION OF DATA PROCESSING, SECURITY MEASURES AND ACCESS RIGHTS

- 5.1 The location of data processing (recording location) is determined by the operational area of the relevant video surveillance devices. Depending on the operational area and camera type, recording / processing is carried out on storage media for the relevant video surveillance device or on tamper-proof proprietary servers.
- 5.2 Video recordings are stored in encrypted form, whereby such data can only be read using a special readout software. Even in the event of unauthorized access, records cannot be viewed by unauthorized third parties.
- 5.3 Only employees of the internal-group processor (see section 7) are entitled to read video recordings. Such employees have access to analysed video recordings, along with employees assigned by ÖBB-PV AG with handling the individual case (the relevant areas are incident investigations, the Legal Department, and specific employees in distribution and train services). Analysed video recordings are stored at storage locations with strict access restrictions. The analysis of video recordings and access thereto requires the prior setting up of special system rights. All operations related to analysis and access to video recordings are logged.

6. MARKING OF VIDEO SURVEILLANCE

- 6.1 ÖBB-PV AG shall ensure that it is easy for data subjects to become aware of video surveillance activities. Pictograms are installed at appropriate sites, allowing data subjects to avoid video surveillance in good time where appropriate:
- (a) Ticket machines: pictogram is directly installed on ticket machines themselves;
 - (b) Body-cams: employees who wear a body-cam wear uniforms marked "video" or a pictogram. No permanent recording is carried out with body-cams, but recording is carried out as required based on prior arrangement. The data subject is additionally advised of ongoing recording by a red light on the body-cam and an acoustic signal.
 - (c) Cash points and distribution outlets (cash desks): marking with a pictogram depends on local conditions. But in any case before entering cash points or distribution outlets.
 - (d) Video surveillance systems in passenger trains: marking with a pictogram is carried out on all entry and exit doors of railway carriages, allowing the data subject to avoid video surveillance in good time.

6.2 Pictograms warning of video surveillance activities have the following appearance:



7. PROCESSORS

7.1 ÖBB-PV AG uses the following subsidiary as its IT service provider:

ÖBB-Business Competence Center GmbH

Erdberger Lände 40-48

1030 Vienna

E-Mail: bcc.datenschutz@oebb.at

7.2 ÖBB-PV AG shall transmit recorded video material to the following processors (Art. 6(1) f) GDPR):

Mungos Sicher & Sauber GmbH & Co KG

Felberstraße 1

A-1150 Vienna

Contact person: Roman Hahslinger

E-Mail: roman.hahslinger@mungos.at

The above processor was established to implement all security aspects as a company-wide, responsible central organizational unit at ÖBB-Business Competence Center GmbH (ÖBB group subsidiary), which is responsible for checking security requirements centrally. This organizational unit is also responsible for checking the requirements for correct data transfer to enquiring authorities and other agencies / third parties. The relevant video sequences shall only be read and stored by trained employees of this organizational unit in justified individual cases. A data analysis, i.e. interruption of automatic overwriting of the database, is therefore only conducted in justified cases as required. This ensures that the analysis sequence itself is reduced to the absolutely necessary extent and is only implemented by a very limited, specially-trained group of people. All employees of this organizational unit shall be separately trained and subject to a confidentiality obligation pursuant to § 6 DSG (Art. 6(1) f) GDPR).

Video recordings shall only be handed over to the processor or shall only be left with the processor for as long as a valid processor agreement is in place.

Tasks of persons authorized for data processing: analysis of video sequences in justified cases as required and provision of video material to the requesting body.

8. DATA TRANSFERS

8.1 Data analysis and transmission shall only be carried out in materially justified cases by the controller's authorized and specially trained employees and by specially trained processors.

8.2 Video sequences limited to the absolutely necessary extent shall be disclosed to the following categories of recipients as required:

- (a) The competent, local domestic or international criminal court for reasons of preserving evidence and defence of legal claims as required (Art. 6(1) c) and f) GDPR);
- (b) The domestic or international enquiring security agency in the individual case, for security policing purposes as required (Art. 6(1) c) and f) GDPR);
- (c) The locally competent domestic or international civil court in the individual case for the purposes of preserving evidence and defence of legal claims in civil law matters as required (Art. 6(1) c) and f) GDPR);
- (d) Insurance taken out by ÖBB-PV AG to handle insured events as required (Art. 6(1) c) and f) GDPR);
- (e) The Federal Office for Transport (Office of the Federal Ministry for Transport, Innovation and Technology) – Federal Accident Investigation Agency - Rail, or a comparable international railway authority, as required, for an investigation (railway accident) (Art. 6(1) c) and f) GDPR);

8.3 Video recordings shall not be transmitted to third countries.

9. STORAGE PERIOD

9.1 The storage period for video recordings depends on the purpose of the relevant video system and

- (a) for ticket machines is: 120 hours;
- (b) for body-cams: 72 hours;
- (c) for cash points and distribution outlets (cash desks): 120 hours;
- (d) for video surveillance systems on passenger trains: for a period from 48 to a maximum of 120 hours.

- 9.2 If any storage period referred to in section 9.1 extends beyond a period of 72 hours, this has been agreed in advance for the relevant processing purposes with the Austrian data protection authority and approved by the authority within the framework of a preliminary control procedure.
- 9.3 Where required for prosecuting or defending legal claims or to fulfil statutory retention obligations, we shall store video recordings for longer than the period indicated in section 9.1.

10. YOUR RIGHTS

- 10.1 You have the following rights in respect of ÖBB-PV AG:
- (a) The right of access pursuant to Art. 15 GDPR for personal data that we have processed.
 - (b) The right to rectification pursuant to Art. 16 GDPR, the right to erasure pursuant to Art. 17 GDPR and the right to restriction of processing pursuant to Art. 18 GDPR.
 - (c) The right to object pursuant to Art. 21 GDPR.
 - (d) The right to data portability pursuant to Art. 20 GDPR.
 - (e) The right to lodge a complaint with a supervisory authority pursuant to Art. 77 GDPR.
 - (f) If you have granted consent, you can revoke your consent to the processing of personal data with future effect at any time. The revocation of consent shall not affect the lawfulness of data processing carried out until then.

11. CONTROLLER FOR DATA PROCESSING

- 11.1 The controller, as defined in the GDPR, is:

ÖBB-Personenverkehr AG (ÖBB-PV AG)
FN [Commercial Register no.] 248742y
Am Hauptbahnhof 2, 1100 Vienna
Tel.: +43 1 93000 0
Email: kundenservice@pv.oebb.at
Web: www.oebb.at

- 11.2 Contact data for data protection officer(s):

Am Hauptbahnhof 2, 1100 Vienna
Email: datenschutz.personenverkehr@pv.oebb.at

- 11.3 If you send us a request for information, please attach a copy/scan of an official photo ID, ideally with your current residential and email address. This is because we have to check your identity before we can reply to your request for information or make the necessary arrangements. This means we can ensure that your personal data will not be accessed by unauthorized third parties



(risk of misuse). Once we have received your request for information and you have proven your identity, we will reply within four weeks. In the event that we have any questions as part of the reply, we will contact you and ask you to cooperate and assist.