

Data Privacy Statement



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1. Our message

Customer satisfaction is our top priority. This means that protecting your data is particularly important. We would like to thank you for the trust you place in us by submitting your data to us for processing. As a sign that we respect your rights as well as your privacy, we have formulated our policy, which applies when processing your data:

- We attach **great importance to transparency** when it comes to processing your data. This is why we have paid special attention to our data protection declaration in order to provide you with the necessary information on how we handle your data.
- It is important to us that you know **for what purposes** we use your data and when we store it. In our data protection declaration, we inform you how and to what extent we process your data.
- We process your data **only to the extent necessary** and use it exclusively for lawful and justified purposes.
- In certain cases, we ask you whether you **consent** to the use of your data. In these cases, you yourself decide how and when we use your data. For example, we will never send you electronic advertising if you do not desire it.
- In certain cases, we will also ask you on our website and in our app whether you would like to voluntarily store certain information. This may be beneficial to speed up your next ticket purchase.
- Similarly, we will only send you targeted special offers at your request. **The decision is yours.**
- Our goal is to continually improve ourselves. **Please get in touch with us if you have concerns.**
- We live our principles to the full, particularly in the area of data protection. In the following sections of this data protection declaration, find out how we process your data in the course of our various data applications.

2. When does this data privacy statement apply?

Our data privacy statement applies to anyone who makes use of one of our products or services, visits our websites or uses our apps. This includes: buying a ticket, including ancillary services, such as making a reservation, purchase of a customer card or use of our different services.

We are constantly continuing the development of our offers and services. This is also why we will constantly adapt our data protection declaration. We will, however, make sure that the latest version will always be available to you.

3. Who is responsible for the data processing?

GDPR defines a controller as a natural person or legal entity, authority, institution or other body, which, on its own or in conjunction with others, decides on the purposes and means of processing personal data.

In general, ÖBB-Personenverkehr AG (ÖBB-PV AG), FN [company registration number] 248742y, Am Hauptbahnhof 2, 1100 Vienna, tel. +43 1 93000 0, is the controller under data protection law, as defined in Article 4(7) GDPR.

Please note that the distribution of certain products is carried out **under joint controller-ship** pursuant to Article 26 of the GDPR in conjunction with the One Mobility Act, Federal Law Gazette I No. 75/2021 as amended. See also the information in Section 5. [→ 9].

In the context of joint controllership, the following entities are joint controllers within the meaning of Article 4(7) of the GDPR:

	Data controller	Address	Contact
1.	One Mobility GmbH	Schwindgasse 4/3, 1040 Vienna	office@one-mobility.at
2.	Federal Ministry for In- novation, Mobility and Infrastructure (Bundesministerium für Innovation, Mobilität und Infrastruktur, BMIMI)	Radetzkystraße 2, 1030 Vienna	datenschutz@bmimi.gv.at
3.	ÖBB-Personenverkehr AG	Am Hauptbahnhof 2, 1100 Vienna	datenschutz.personenverkehr@pv.oebb.at
4.	OÖ Verkehrsverbund- Organisations GmbH Nfg. & Co KG	Volksgartenstraße 23, 4020 Linz	datenschutz@ooevg.at
5.	Innsbrucker Verkehrsbe- triebe und Stubaitalbahn GmbH	Pastorstraße 5, 6010 Innsbruck	datenschutzbeauftragter@ivb.at
6.	Verkehrsverbund Tirol GesmbH	Sterzinger Straße 3, 6020 Innsbruck	datenschutz@vvt.at

4. What do we mean by “personal data”?

By personal data we mean all information relating to an identified or identifiable natural person (hereinafter “data subjects”).

A natural person is regarded as identifiable if said person can be identified as precisely this natural person, in particular through allocation of an identifier such as a name, identification number, location data, online identification data or one or more other special features in the particular individual case (e.g. voice). Thus this includes, at the least, the data that can be associated with you as a customer. For example, your name, email address, telephone number, booking code, ticket code or your customer number are personal data.

5. Joint product distribution and customer service under joint controllership

Please note that product distribution and customer service are provided either

- a) under the **sole responsibility of ÖBB-Personenverkehr AG under data protection law**, or
- b) **joint product distribution and customer service** is provided **under the One Mobility Act**.

The **special features of joint product distribution** are explained below. In the data privacy statement, we have also differentiated between processing purposes that take place under sole or joint controllership (see Section 6. [→ 12]).

Joint controllership for product distribution and customer service

Background of joint product distribution and customer service

The **One Mobility Act, Federal Law Gazette I No. 75/2021** as amended, provides for the assurance of uniform and customer-friendly access to public transport products. A shared sales system (ticket shop) and centralised payment processing are established to provide a single inter-company customer account, product portfolio, customer service and payment system for the customers of the participating transport companies and associations. This promotes easy access to public transport and a switch to climate-friendly mobility, while synergies make the use of tax revenues even more efficient.

Legal basis of joint controllership

The legal basis for this joint data processing is in particular Article 6(1) e) GDPR in conjunction with Art 2(1) of the One Mobility Act. The performance of duties in the public interest lies in the creation of a shared distribution system for public passenger transport in order to facilitate access to the public transport network and thereby contribute to climate protection and relieve the taxpayer thanks to the associated cost benefits. On the other hand, Article 6(1) f) GDPR also applies, as the data controllers have a legitimate interest in ensuring that integrated sales and customer services support the switch to public transport and enable comprehensive customer care and a wider range of products from each data controller. Individual data processing is also carried out on the legal basis of consent and contract fulfilment in accordance with Art. 6(1) a) and b).

Partners in joint controllership

The Federal Ministry for Innovation, Mobility and Infrastructure (BMIMI), One Mobility GmbH, ÖBB-Personenverkehr AG and ÖÖ Verkehrsverbund-Organisations GmbH Nfg. & Co KG, as well as Verkehrsverbund Tirol GesmbH and Innsbrucker Verkehrsbetriebe und Stubaitalbahn GmbH, as joint controllers of the joint distribution and billing system, have concluded a special agreement that defines which partner is responsible for which obligation in order to fulfil and comply with the provisions of the GDPR.

For this purpose, **ÖBB-Personenverkehr AG makes its distribution system (the ÖBB ticket shop)** available to the other joint controllers, and a **central billing system** provided by **One Mobility GmbH** is used by all joint controllers.

Purpose of the joint controllership

The purpose of this joint data processing is that

- easy access to public transport in Austria is ensured, thereby contributing to climate protection,
- customers have a wider range of products available through the controllers' distribution channels,

- customers have access to a cross-company customer service provided by the controllers,
- customers are provided with a centralised billing and payment processing system, including a dunning process,
- customer data only needs to be entered once for all controllers, and the data only needs to be changed once for all controllers, so it is always up to date for all controllers, ensuring that all controllers meet their obligation under Article 5(1) d) of the GDPR, which requires each controller to take appropriate measures to ensure that data is accurate and up to date,
- customers can use the credentials of one controller's customer account to log into the other controllers' systems,
- synergies are better exploited and tax revenues are used more efficiently.

Data subjects

This joint data processing affects all persons who, from the start of the joint controllership, purchase a product or use a customer service to change customer master data or a product through the web, app or ticket counter sales channels of a joint controller in accordance with Section 1 (b). The data referred to in Section 3 will be shared between the partners as soon as the joint controllership comes into effect and can be viewed and processed by them for the purpose of cross-company product sales and customer service.

Data shared between partners

As part of the joint controllership, your customer data will be processed by all controllers as part of a joint customer base. The joint controllership applies to all processing activities carried out in the context of the joint product distribution, customer service and centralised payment processing. The joint processing concerns:

- Customer master data (e.g. title, name, date of birth, address, photo, e-mail address, telephone number, customer ID, stored proof of eligibility),
- Sales data of the products in the joint portfolio of all responsible entities (e.g. fare product, validity period, purchase date, sales channel, payment method, discounts),
- Billing and payment data (e.g. IBAN, SEPA mandate incl. any non-authorisation for a SEPA direct debit, invoices, payment method),
- Data collected as part of customer service (e.g. enquiries, complaints, etc.) where these relate to a product or service subject to the joint controllership,
- Health data in the broader sense, provided voluntarily in the customer account (e.g. wheelchair, assistance dog, etc.) for the automatic consideration of the corresponding discount/special travel needs in subsequent bookings.

The rights of access and inspection of your data have been designed in such a way that a right of inspection or access is only granted to the extent strictly necessary in each case, in order to protect your privacy to the greatest extent possible.

Processors

- In the context of joint controllership, data is transferred to the following processors
- For the provision of the distribution platform
 - ÖV Ticketshop GmbH for the operation of the ticket shop and error analyses required in the context of support processes.
 - ÖBB-Business Competence Center GmbH for the execution of the end-to-end financial processes

– Microsoft Ireland Operations Limited, 70 Sir John Rogersons's Quay, Dublin 2, Ireland. Please note that in some cases Microsoft uses sub-processors, some of which are located in third countries, to provide its cloud services or to deliver Microsoft products.

- One Mobility Ticketing GmbH for centralised payment processing
- Sales partners for the distribution of products in the joint portfolio

All other IT service providers and data hosting solution providers, as well as other providers of tools and solutions (e.g. printers and plastic card manufacturers) who assist us in providing our products to you.

6. Information on data subjects according to Articles 12 et seq. of the General Data Protection Regulation (GDPR)

Pursuant to the provisions of Article 12 et seq. GDPR, we would like to inform you on the following topics:

6.1. Contact details of the data protection officers in the case of sole and joint controllership

Sole controllership by ÖBB-Personenverkehr AG:

If you have any questions regarding data protection or the use of your personal data, please contact the **data protection officer** of ÖBB-Personenverkehr AG, if the **data processing is carried out under our sole controllership**.

Contact details for the data protection officer at ÖBB-Personenverkehr AG:

ÖBB-Personenverkehr AG, 1100 Vienna, Am Hauptbahnhof 2

E-mail: datenschutz.personenverkehr@pv.oebb.at

Joint controllership

In addition, the following contact options are available **in the context of joint controllership**:

- **One Mobility GmbH**, 1040 Vienna Schwindgasse 4/3, datenschutz@one-mobility.at
- **Federal Ministry for Innovation, Mobility and Infrastructure (BMIMI)**,
Radetzkystraße 2, 1030 Vienna, datenschutz@bmimi.gv.at
- **OÖ Verkehrsverbund-Organisations GmbH Nfg. & Co KG**
Volksgartenstraße 23, 4020 Linz, datenschutz@ooevg.at
- **Innsbrucker Verkehrsbetriebe und Stubaitalbahn GmbH**,
Pastorstraße 5, 6010 Innsbruck, e-mail: datenschutzbeauftragter@ivb.at
- **Verkehrsverbund Tirol GesmbH**,
Sterzinger Straße 3, 6020 Innsbruck, datenschutz@vvt.at

If a customer under the age of 14 uses the following services provided by ÖBB-Personenverkehr AG or its partners under joint controllership (e.g. tickets, newsletter subscriptions, push services), the respective customer must ensure that the necessary consent of his or her legal guardian was obtained in advance.

6.2. Processing purposes in the case of sole controllership by ÖBB-Personenverkehr AG

In addition to data processing under joint controllership (see Sections 5. [→ 9] and 6.3. [→ 17]), there are data processing activities that **ÖBB-Personenverkehr AG will continue to perform exclusively under its sole controllership under data protection law**.

Personal data is collected for our own purposes **in accordance with Article 13** of the GDPR for the following specific processing purposes:

- Processing of sales and payment data relating to **products** sold by ÖBB-Personenverkehr AG **outside** the **ONE partners' shared sales channels** on the web, via the app or at ticket counters, i.e. sales via ticket machines and our on-board staff.

Processing of **sales and payment data relating to historical products purchased prior to the introduction of the shared distribution** system (this sales and payment data may be subject to a long storage period in certain cases, see Section 6.8. [→ 22]).

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller).

- When you purchase our **Nightjet product** via nightjet.com. We will provide you with all known information about your journey. In particular, we will notify you of disruptions / cancellations by e-mail and text message, provided that we have this information. Further information can be found in Section 10. [→ 32].

- **Eurail and Interrail passes:**

Interrail pass / Interrail pass: Depending on the category and scope of validity selected, this pass entitles the holder to travel on all routes of the participating railway company for which the pass is valid, within the specified period of validity. The entire range of Eurail products can be sold to individuals whose official residence is outside the European Union or one of the countries listed above.

Interrail passes can be purchased at any of our ticket counters or from our co-operation partners (travel agencies). The processing takes place in the ticket shop. In this case, ÖBB-Personenverkehr AG acts as the controller within the meaning of Article 4(7) of the GDPR.

Eurail passes can only be purchased at selected Eurail Aid Offices. In this case, data processing does not take place in the ticket shop but at Eurail B.V., Jaarbeursboulevard 286, 5th Floor, 3521 BC, Utrecht, Netherlands (see also [eurail.com](https://www.eurail.com)). For this type of ticket, ÖBB-Personenverkehr AG acts as a data processor within the meaning of Article 4(8) of the GDPR. In this case, Eurail B.V. processes your data as the data controller within the meaning of Article 4(7) of the GDPR. If you have any questions regarding data processing, please contact the data controller directly.

The following personal data is collected in connection with the issue of these passes: First and last name, passport number or ID number, date of birth, country of residence, booking and product details.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- If you would like to book a trip via the **ÖBB business account** and create or already use an ÖBB business account for this purpose. For further information, see Section 8.2. [→ 28].
- If we **validate** your ticket or your customer card or other authorisation (i.e. scan and check for validity). For further information, see Section 7. [→ 27].
- **Issuing and collecting penalty fares**

A penalty fare is levied by our train attendants. If necessary, your ID card will be scanned. In this case, the following data, where available in individual cases, is collected via a scanning process: Name, date of birth, details of the identity document and the issuing authority.

The necessary data is transferred to the data controllers' data-processing systems via a form. We expressly draw your attention to the fact that, in the event of non-payment of outstanding claims, the relevant data in each individual case will be passed on to our debt collection agency on the basis of Article 6(1)(b) and (f) of the GDPR. Please note that the debt collection agency carries out debt collection as an independent controller within the meaning of Article 4(7) of the GDPR.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- If you have been issued with an **exclusion from transport services** / a warning. In this case, the following data in particular will be collected and processed: First and last name, reason including relevant facts, duration of the exclusion from transport (i.e. indefinite or temporary), email address or other contact details, transport services affected, correspondence, card number or photo if applicable. If you are excluded from transport services indefinitely, your data will not be deleted. If there is a time limit, data will be removed from our internal records one month after it expires.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- If we issue a temporary or permanent exclusion from transport services. In this context, the following data in particular is collected: Name, contact details, details of the incident, duration, photograph, any relevant background information on the person concerned, and any card number). If you are excluded from transport services indefinitely, your data will not be deleted. If there is a time limit, data will be removed from our internal records one month after it expires.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- **The special compensation procedure for passenger rights:**

You have the right to assert your passenger rights and claims for a reimbursement if the necessary conditions are met. You can find further details on this under [Passenger Rights – ÖBB \(oebb.at\)](https://www.oebb.at).

Please note that for customers with an annual ticket or those who have purchased a Klimaticket Ö, there is the option of an automated payout (see the comments on Article 14 of the GDPR below).

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- If you register on our website or in our app and create a **customer account**. For further information, see Section 8. [→ 28].
- If you disclose your data to **our train attendants** (for example, due to personal injury or property damage, theft, or any other incident or concern). In this case, such data and information will be used for the specific purpose of case management as well as for conducting legal and official disputes. The necessary data is transferred to the data controllers' data-processing systems via a form. Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).
- If you use one of our mobility services or any other service we provide. For further information, please refer to the explanations in Sections 12. [→ 36] and 14. [→ 46].
- If there are **outstanding claims** that you have not paid and these claims relate to a product that is not part of the joint controllership.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- If you use our **chatbots / ÖBB.Bot**, which are independently operated by us, for enquiries. Please note that individual bots also **use generative AI** to provide you with the relevant information. For further information, see Section 14.5. [→ 49].
- If customer cards, annual transport association tickets or other employee credentials are **misused**.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- For **statistical surveys and internal risk analysis** in order to improve our services or systems, in which case the results of these analyses under no circumstances allow us to deduce information concerning your person.

Legal basis: Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- **If necessary**, and as far as we are able, if **contacting you is required**, for example, if you have booked a motorail train. The following data is collected in this context: Reservation data, name, registration number, vehicle type, loading and unloading details, train number, wagon space.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- If you have given your prior **consent to direct marketing and other marketing activities**. For further information, see Section 16. [→ 61].
- If you **voluntarily participate in pilot projects, usability tests, sweepstakes** and other **campaigns** or other customer loyalty measures.

Legal basis: Article 6(1)(a) of the GDPR (consent of the data subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- If you use the **contact form on our website** to assert a claim regarding personal injury or property damage in the event of a train accident. This contact form is made available on the website on an ad hoc basis, i.e. in the event of a train accident. The following data in particular is collected: Nature of the damage, as well as any relevant details, name, contact details, telephone number, ticket-related information and, where applicable, the names and contact details of relatives.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

- If you reserve and use the **conference rooms of ÖBB Lounges**. In this context, the following data in particular is collected (name, company name, contact details, reservation data and purpose, catering, number of people, consent to provide feedback). Also, if you have been **banned from entering the premises** (first and last name, reason, possible time limit, e-mail address).

Legal basis: Article 6(1)(a) of the GDPR (consent of the data subject), Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

In the following cases and for the following purposes, personal **data will not be collected by ourselves but will be disclosed by third parties in accordance with Article 14 GDPR**:

If

- If you as a **customer with an annual ticket or a Klimaticket** want to participate in ÖBB's process for compensation for delays, the competent transport association will send us the following personal data in advance every year:
 - Customer data of the buyer and/or user of the annual ticket: salutation, title, first and last name, address, country, date of birth (if available), e-mail address (if available), telephone number (if available), internal customer number with the transport association.

- Contract data of the annual ticket including areas of validity: fare code of the annual ticket, number of the annual ticket, number of the primary ticket if applicable, number of the old annual ticket, first and last day of validity of the annual ticket, date of the last change of data.
- The following data is provided by you yourself when you register: boarding station, exit station, bank details and number of an ÖBB customer card.
- On this basis, we will calculate any compensation for delay, which will be automatically transferred to your designated bank account at the end of the period of validity of your annual ticket.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

6.3. Occasions and purposes for which product sales and customer service are carried out under joint controllership via the web, app and ticket counter sales channels as set out in Section 5:

In the following cases and for the following purposes, personal data is collected under joint controllership and shared between the partners listed in Section 3. [→ 7]:

- If you buy a product offered by ÖBB-Personenverkehr AG or a cooperating partner **online via the ticket shop, using our app or at a ticket counter** or make use of another service (for example purchasing a ticket, buying a customer card, making a reservation or using the ÖBB mobility service).

The data collected depends on the specific product or service in question; we ensure that data is collected only to the extent strictly necessary. In particular, first and last name, contact data, ticket-related data, payment-related data, including outstanding claims and the reasons for their recovery, data for managing a customer account, data collected in the context of using functionalities provided by us (e.g. the SimplyGo! function), as well as the IP address and other device data are collected.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

The following products and services in particular are covered by this:

- If you purchase and use a **discount product** in your ÖBB account.
- If you book a journey through our **ÖBB travel agency**.
- If you book or take out a **cancellation/travel insurance**.
- If you purchase an annual ticket or a single ticket for the **Tauern motorail**.
- If you use the ÖBB app for **timetable information**
- If you purchase a service using the **SimplyGo!** function in the ÖBB App.
- If you book a baggage service.

- If you buy a product from ÖBB or a cooperating partner through one of our external sales partners or on the booking platform of one of our third-party sales partners. (see Section 11. [→ 34])
- If you avail yourself of our **integrated mobility services** or other **services** such as transfers to the hotel.
- If there are **outstanding claims** that you have not paid and these claims relate to a product under the joint controllership.
- If you have activated **Information on planned journeys / “Favourites”** and we then show you your preferred travel connections. Planned journeys are displayed on the day of travel for a maximum of 10 hours after the end of the planned journey and are then deleted. You can save certain routes as favourites and, at your discretion, include specific booking details (e.g. travelling with a bicycle or dog). Favourites are stored until they are deleted, or at the latest when the account is deleted.
- If you contact our **ÖBB customer service or a partner service point** with questions, requests, suggestions, complaints, criticism or other information (e.g. a ticket machine malfunction) regarding a product or service sold under the joint controllership of ÖBB-Personenverkehr AG.
- If it concerns the servicing of issued **penalty fares at service points or counters** (enquiries about penalty fares, cancellations, etc.).
- **As required** – where possible – if it is necessary to contact you by e-mail or telephone and you have provided us with your contact details when booking a ticket (e.g. large-scale cancellation of trains or other disruptions, delays and other deviations, especially if you have booked a motorail train or an ÖBB transfer service).

6.4. Data transfers/data recipients with ÖBB-Personenverkehr AG as the sole controller

The data processed for the purposes outlined in Section 6.2. [→ 12] is disclosed to the following **categories of recipients** as required and depending on the intended use, ensuring that data is only disclosed to the extent absolutely necessary as required:

To

- the responsible bank / payment service provider for the purpose of secure payment processing in accordance with the legal requirements as well as the payment service provider's instructions or for the prevention or clarification of cases of abuse (for the purposes of contract execution, Article 6(1) b) and f) GDPR).
- the regulatory authorities in the case of arbitration (for the purposes of complying with the provisions and rights under railway law, Article 6(1) c) GDPR).
- the assigned legal representative in the event of disputes under civil law (based on our legitimate interests in defending legal claims, Article 6(1) f) GDPR).
- the local, competent administrative authority responsible in the individual case (in particular also financial authorities, driving licence authorities, the Austrian Regulatory Authority for Broadcasting and Telecommunications or trade authorities) for the purposes of complying with legal provisions and entitlements, Article 6 Para. 1 lit. c GDPR.
- the local, competent court responsible in the individual case or other authorities responsible in the individual case (based on our legitimate interests that exist in defence of legal entitlements, Article 6 Para. 1 lit. f GDPR).

- the competent executing contractors providing services in connection with a booked journey to the destination and/or at the destination itself (hotels, airlines, partner railways, bus or taxi companies or car rental agencies as part of an integrated mobility service, local organisers on site, etc.)
- the visa-issuing authorities, as required in the course of long-distance journeys, in which case it should be noted that we provide the service of data collection and transfer to the competent authority in the individual case as a processor within the meaning of Article 28 et seq. GDPR. Visa and passport data are not automatically stored if the procurement of a visa forms part of the order placed by the data subject. Data storage is therefore usually carried out by the respective competent visa-issuing authority, which also assumes sole responsibility for the use of the data it stores.
- the domestic or foreign partner railway, as the case may be, responsible for handling the compensation case or the mobility service or in connection with an international journey (for the purposes of contract execution, Article 6(1)(b) GDPR), as well as UIC, (Union internationale des chemins de fer) for international journeys in accordance with Article 6(1)(b) and (f) of the GDPR
- the debt collection agency assigned by the controller for the recovery of outstanding debts based on our legitimate interests in the defence of legal claims, Article 6(1) f) GDPR).
- the chartered public accountant for the purpose of auditing (for the purpose of complying with legal provisions, in particular the applicable corporate law regulations, Article 6 Para. 1 lit. c GDPR).
- any affected cooperation partners, as the case may be, in the event of the sale of services provided by the cooperating partner by the controller (for purposes of contract execution, Article 6(1) b) GDPR).
- to other companies of the ÖBB Group or other cooperating partners, in the event that you purchase or use a product or service provided by the parties mentioned above.
- our commissioned data processors, if these process personal data on our behalf. (Based on our legitimate interests, in particular for the improvement, simplification and maintenance of our database systems, Article 6 Para. 1 lit. f GDPR).
- The competent competition authorities for the purpose of conducting antitrust proceedings, on the basis of a legal entitlement or a legitimate interest (Article 6(1) c) and f) GDPR).
- Bundesrechenzentrum GmbH, in the event that you purchase a special product for students from a transport association and an authorisation check is carried out for this purpose in the form of a data comparison (Article 6(1) b) GDPR)
- Wiener Linien GmbH & Co KG for the purpose of verifying the validity of the ticket presented by the data subject in the event that the data subject disputes the accuracy of the penalty fare issued by our train attendants (based on our legitimate interests consisting in the defence of legal claims, Article 6(1) f) GDPR).
- ÖBB-Operative Services in connection with video evaluations and other security incidents (Article 6(1) f) GDPR).
- To the partners within the scope of joint controllership in accordance with Article 6(1) e) GDPR in conjunction with Art 2(1) of the One Mobility Act.
- To our other processors as defined in Section 23. [→ 74].

6.5. Data transfers that take place under joint controllership via the web, app and ticket counter sales channels (including data exports to third countries):

The joint controllers may have personal data processed by processors. Processors are understood to be contractual partners who process personal data on behalf of the controllers.

ÖBB-Personenverkehr AG and its partners under joint controllership only use processors for lawful data processing. All controllers have always verified in advance the suitability of the individual processor to provide the service, and in particular that the processor provides sufficient guarantees for the secure and lawful use of the data.

The processors selected by the joint controllers receive personal data only to the extent strictly necessary, and the processing is carried out exclusively for the specified purposes.

The joint controllers transfer personal data to the following **processors**:

- ÖV Ticketshop GmbH for the operation of the ticket shop and error analyses,
- One Mobility Ticketing GmbH for centralised payment processing
- Sales partners for the distribution of products in the joint portfolio
- All other IT service providers and data hosting solution providers, as well as other providers of tools and solutions (e.g. printers and plastic card manufacturers) who assist us in providing our products to you

In addition, the joint controllers transmit personal data to the following **recipients (controllers)** to the extent necessary:

- ÖBB-Personenverkehr AG for the further development of systems outside the joint controllership
- railway companies for the use of data to process passenger rights based on your consent
- any third parties involved in providing the service to you in order to fulfil our contractual obligations (e.g. banks for payment processing, collection agencies if necessary, payment providers, shipping providers)
- external third parties to the extent necessary on the basis of our legitimate interests (e.g. auditors and tax advisors, insurance companies in the event of a claim, legal representatives where necessary)
- public authorities and other public bodies to the extent required by law (e.g. tax authorities).

6.6. General legal framework of ÖBB-Personenverkehr AG as the controller

Data processing under our sole controllership is carried out in particular on the basis of the following legal framework (as amended from time to time):

- Regulation EU 2016/679 for the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation (GDPR)), in particular Article 6(1) a) (consent), b) (execution of contract), c) GDPR (legal entitlement or obligation), f) (legitimate interests) and (4) (processing for further purposes).

- Regulation (EU) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations;
- Federal Act on Rail Transport and Passenger Rights (Eisenbahn-Beförderungs- und Fahrgastrechtegesetz – EiseBFG)
- Federal Unfair Competition Act of 1984 (UWG)
- Trade Regulations of 1994
- Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements
- Federal Act on Package Travel and Linked Travel Arrangements (Package Travel Act)
- Code of Criminal Procedure of 1975, as required
- Introductory Act to the Administrative Procedures Act of 2008
- Administrative Penal Act of 1991
- General Administrative Procedures Act of 1991
- General Austrian Civil Code of Law for all German hereditary lands of the Austrian monarchy
- Telecommunication Act of 2003
- Federal Act on General Regulations and Procedures for Fees Administered by the Tax Authorities of the Federal Government, Regional States and Municipalities (Federal Fiscal Code, BAO)
- Federal Act on Special Regulations of Civil Law for Companies (Austrian Commercial Code, UGB)
- Fare Conditions and General Terms and Conditions of ÖBB-PV AG, incl. the Guide for travelling with ÖBB in Austria, as well as any other general terms and conditions, contractual agreements and obligations that may apply.
- Terms of participation in the case of projects or special services.
- Federal Act of 21 January 1959 on Liability for the Compensation of Damages from Accidents in the Operation of Railways and the Operation of Motor Vehicles (Railways and Motor Vehicle Liability Act; Eisenbahn- und Kraftfahrzeughaftpflichtgesetz – EKHG) Federal Law Gazette No. 48/1959 as amended.
- Federal Act on distance sales and contracts concluded outside of business premises (FAGG) Federal Law Gazette I No. 33/2014 in this version Federal Law Gazette I No. 83/2015 as amended.
- Federal Act of 8 March 1979 laying down provisions for the protection of consumers (Consumer Protection Act; Konsumentenschutzgesetz – KSchG), Federal Law Gazette No. 140/1979 as amended.
- Federal Act on the Restructuring of the Legal Relationships of the Austrian Federal Railways (Federal Railway Act; Bundesbahngesetz), Federal Law Gazette No. 825/1992 as amended.
- EU Directive on Payment Services in the Internal Market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No. 1093/2010, and repealing Directive 2007/64/EC (PSD2)
- One Mobility Act, Federal Law Gazette I No. 72/2021 as amended

6.7. Use of Microsoft Office products and other service providers by ÖBB-Personenverkehr AG that may require international data transfer

The ÖBB Group not only uses Microsoft Office products, but also Microsoft Cloud Services. In particular, **Microsoft Cloud Services** and **other Microsoft products are used** to provide the ÖBB ticket shop, the ÖBB ticket app, the complaints management system, CRM measures and other customer-related systems.

The central processors are ÖBB companies, namely

- ÖV Ticketshop GmbH, 1020 Vienna, Lassallestrasse 5 and
- ÖBB-Business Competence Center GmbH, 1020 Vienna, Lassallestrasse 5.

For the provision of technical services by our ÖBB processors, the use of Microsoft products involves transferring / disclosing data to Microsoft Ireland Operations Limited (Microsoft), 70 Sir John Rogersons's Quay, Dublin 2, Ireland, whereby Microsoft itself uses sub-processors in individual cases for the provision of individual cloud services or the provision of Microsoft products, some of which are based in third countries.

Microsoft is a recipient in the United States that participates in the EU-US Privacy Framework, which has been found by the European Commission to provide an adequate level of privacy protection.

Please note that in some cases Microsoft uses sub-processors, some of which are located in third countries, to provide its cloud services or to deliver Microsoft products. An up-to-date list of these sub-processors is provided by Microsoft at the following link: <https://servicetrust.microsoft.com/DocumentPage/badc200c-02ab-43d9-b092-ed9b93b9b4a8>.

Where data is transferred from Microsoft to Microsoft Corporation, One Microsoft Way, Redmond, WA 98052-6399, in the United States, Microsoft relies on Commission Implementing Decision (EU) 2023/1795 of 10 July 2023 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequacy of the level of protection of personal data under the EU-US data privacy framework (the "EU-US Data Privacy Framework"). Microsoft Corporation has been certified under the EU-US Data Privacy Framework.

In addition, Microsoft relies on the standard data protection clauses for the transfer of personal data from processors in the EEA to processors in third countries that do not ensure an adequate level of data protection, as described in Article 46 of the GDPR and approved by the European Commission in Decision 2021/914/EC of 4 June 2021.

You can view the **FAQs** provided by **Microsoft** via the following link: [GDPR – frequently asked questions, Microsoft Trust Centre](#)

If we transfer data to **other recipients outside the EU/EEA** in the future, we will give priority to countries for which the EU Commission has issued an adequacy decision. For recipients in third countries without an adequacy decision, we will first enter into standard contractual clauses and implement appropriate security measures to establish an adequate level of data protection to ensure that your rights are protected in accordance with the provisions of the GDPR.

6.8. Storage duration for sole and joint controllership

In accordance with legal requirements, personal data will generally not be retained for longer than is necessary to fulfil the purpose for which it was collected. The specific retention period may result from an applicable legal requirement or may be for the duration

of your consent. If the purpose for which the personal data was stored no longer applies, or if a legal retention period has expired, the personal data will be routinely blocked or deleted in accordance with statutory provisions.

In particular, the following storage periods apply:

- Data relevant to invoicing due to a ticket purchase or Eurail / Interrail passes (e.g. order data including archived data, customer card data and data for the billing level) and related documents (e.g. invoices, payment receipts, letters regarding contract renewal) will be stored for **eleven years** in accordance with the statutory provisions for possible obligations to provide evidence as well as possible retroactive determination of tax liabilities pursuant to Section 209 (5) BAO if this data is not transferred to the internal accounting system. If data is additionally processed in the internal accounting system, this data will be stored for a period of **30 years** (Section 1478 of the General Civil Code (ABGB)).
- **User data** for a customer account will be deleted for inactivity three years after the last successful login, provided there are no active vouchers associated with the customer account. Otherwise, the data will be deleted ten years after the last successful login.
- Other than this, we save data that can be assigned to you for a period of **three years**, such as customer correspondence, use of other services (e.g. mobility service, validation data, push services or any other service forming part of our integrated mobility offering), merely taking part in sweepstakes, campaigns or customer surveys.
- We store **timetable connections without tickets** as long as you wish to see this information on your home page. If you delete it from the home page, it will also be deleted from our servers.
- **App support:** When you submit an enquiry by email (oebbapp@pv.oebb.at) or via the “App Support” link, the following information is collected in order to process your enquiry: Name, e-mail address, support ID, device type, app version. This information is required to identify, reproduce or resolve your specific problem in the system. The data will be deleted as soon as it is no longer required for the purposes for which it was collected, at the latest after 6 months.
- We would like you to learn the full scope of functions of our software. For this purpose, we have made sure that you will **receive practical tips and information from us** at an appropriate spot. We want to provide you with relevant information and not continually repeat this. This is why we store functions used by you for a maximum period of 18 months. As a result, you will always receive the right (not yet known to you) information in different web browsers and on different devices with the ÖBB App.
- **Customer master data** is deleted six months after all sales, user and billing data relating to that customer has been deleted. Photos are only on file for as long as they are in use for a product.
- **Information to customers pursuant to § 20 (3) of the Railway Transport and Passenger Rights Act** is retained for a period of 18 months.
- Revocation of a **declaration of consent** or **assertion** of an objection to direct marketing pursuant to Article 21 f) GDPR (blacklist): deletion of this information may not occur, since we keep this as a negative list and thereby ensure precisely that you do not receive any advertising offers from us.
- In order to create **customised offers**, data on mobility and usage behaviour from the last 24 months is used.

- Personal data that you have disclosed to us via the website for the purpose of handling **personal injury or property damage** shall be stored for a period of one year. A longer storage period shall only be implemented in the event of a longer lasting damage settlement (conducting legal or regulatory disputes).
- Personal data that you disclose to our train attendants for the handling of personal injury or property damage, theft or other incident or concern will be stored for the duration of processing and for an additional three years until completion of case handling.
- In the event that personal data is disclosed when using the **chatbot / ÖBB.Bot**, it will be stored for a period of 30 days.
- Data processed based on a legal or regulatory dispute will be kept available for a period of 30 years and may only be inspected and processed by certain employees.
- In order to ensure the technical **traceability of the transmission of customer communications, including troubleshooting**, the e-mail address, mobile phone number, time and subject of the transmission (without content data) will be stored in log files for a period of 21 days.
- In order to process customer enquiries relating to **card printing**, data relating to contract renewal requests will be stored for a period of three months by our service provider for printed matter (Paul Gerin GmbH & Co KG, A-2120 Wolkersdorf, Gerinstrasse 1-3) and will be deleted by the service provider at the end of this period.

In addition, we may retain your personal information beyond the periods set out above for as long as is necessary to assert any legal claims arising from the relationship between you and us or until a specific matter or legal dispute has been finally resolved. This longer retention period is necessary to protect our legitimate interests in asserting, clarifying and defending legal claims. In the context of business case documentation, legal requirements may also provide for a longer retention period.

6.9. Your rights

In general, data subjects are entitled to assert the following rights against the data controller:

6.9.1. Your rights as a data subject

As a data subject, you generally have the following rights:

a. Right of access (Article 15 GDPR)

You have the right to request information on which personal data are collected about you and held by us.

b. Right to rectification and deletion (Article 16 GDPR)

You have the right to rectify any incorrect data concerning your person (e.g. spelling mistakes).

c. Right to erasure (Article 17 GDPR)

You have the right for personal data to be deleted, provided such deletion is covered by the cases set out in Article 17 GDPR, for example if we were to wrongfully process data.

d. Right to restriction (Article 18 GDPR)

You have the right of a data subject to demand that the controller restrict the processing of personal data about you if the requirements under Article 18 GDPR are present.

e. Right to data portability (Article 20 GDPR)

You have the right of a data subject to receive the data provided by you in an interoperable format.

f. Right to object (Article 21 GDPR)

You have the right of a data subject to raise an objection to data processing, provided the requirements of Article 21 GDPR are present.

Sole controllership by ÖBB-Personenverkehr AG:

If you wish to assert a data subject's right against **ÖBB-Personenverkehr AG within the scope of its sole controllership**, please contact us. To do so, the following **contact options** are available to you:

Contact details for customer service:

(Subject: assertion of rights of data subjects)

Postfach 222

1020 Vienna

E-mail: datenschutz.personenverkehr@pv.oebb.at

As soon as we receive your request and your identity is beyond doubt, we will respond to your request within four weeks. If we have any questions when responding to your enquiry, we will ask you to help us identify the relevant data.

We will only ask you to prove your identity if we are in any doubt. In this case, we will ask you to **send us the following information**:

- A copy / scan of your official photo identification stating your date of birth (e.g. identity card, driver's licence or passport) and
- if you have an existing customer account, the e-mail address registered with us.

This verification of identity means that we can determine your actual characteristic as a data subject, so as to ensure that personal data is not disclosed to unauthorised third parties (risk of abuse).

Joint controllership

If you wish to assert a right of a data subject under the **joint controllership**, please note the following specificity:

One Mobility GmbH processes and responds to requests for information regarding data processing under joint controllership on behalf of all controllers.

To obtain a full request for information under **Article 15 of the GDPR**, which should cover both the data processing under joint controllership and the data processing under the sole controllership of ÖBB-Personenverkehr AG, a request for information must be sent to both One Mobility GmbH for the data processing under joint controllership and to ÖBB-Personenverkehr AG for the data processing under its sole controllership. Answers will be sent separately. The contact details for One Mobility GmbH can be found in Section 6.1. [→ 12].

To exercise your **data subject rights under Articles 16-22 of the GDPR**, you should preferably contact the controller with whom you have a contractual relationship. Notwithstanding the foregoing, you may also exercise your rights in relation to the joint processing of your personal data with any of the controllers. In this case, the controller concerned will immediately forward the request to the controller in charge of the processing operation, provided that it is a case of joint controllership.

Reports to the supervisory authority pursuant to Article 33 of the GDPR shall be made by the controller in whose system or organisation the data protection incident has occurred. One Mobility GmbH will notify the data subjects in accordance with Article 34 of

the GDPR on behalf of and with effect for all controllers. The joint controllers have contractually agreed to inform each other immediately if irregularities are detected in data processing activities and to take measures to mitigate any adverse consequences for data subjects.

In the event of data protection violations arising from the joint controllership, all controllers are jointly and severally liable vis-à-vis third parties.

6.9.2. Right to complain to the data protection authority

Furthermore, you have the right to submit a **complaint** to the data protection authority, according to §§ 24 et seq. DSG [Data Protection Act] and Article 77 et seq. GDPR if you believe that we have breached obligations under the General Data Protection Regulation.

Contact data:

Austrian Data Protection Authority,

1030 Vienna, Barichgasse 40-42,

Telephone: +43 1 52 152-0

E-mail: dsb@dsb.gv.at

www.dsb.gv.at

6.9.3. Revocation of granted consent

If you have granted us your consent to the processing of your data for a specific purpose, you have the right to revoke your consent at any time without providing reasons. We have described the method for exercising the right of withdrawal in Section 16. [→ 61].

7. All you need to know about the validation of customer cards, as well as annual and other tickets, including boarding passes (Airrail passes)

During the train or bus journey, our train attendants will validate (i.e. scan and check for validity) your customer card, digital discount products, physical or digital annual ticket and/or ticket or your boarding pass (Airrail pass).

When scanning, only those data are visible on the inspection staff's device which can be found on your customer card or the ticket (e.g. card or ticket number, card validity, name and possibly the photo of the card holder, card type and comfort class, departure and arrival time, train number, boarding and exit station). In the case of our customer cards, the date of birth of the card holder is also displayed on the inspection staff's device in order to facilitate identification. If the ticket/card has been cancelled or tickets/cards have been used multiple times without authorisation, our inspection staff will also be informed whether the customer card or ticket was valid at the time of validation.

The following data is collected when your boarding pass (Airrail pass) is validated: Name, operating carrier's PNR code (= order number), airport code, operating carrier's designator (corresponds to the RICS code for railroads, i.e. the identifier of the transport company), flight number, date of the flight, compartment code (travel class) and the document form/serial number (= ticket number)

Scanning allows for an electronic control of cards and the ticket (as opposed to a purely visual inspection) and in particular makes it possible to withdraw manipulated or wrongly used tickets or cards (for example if the validity period has already expired, the ticket/card has been cancelled or tickets/cards have been used multiple times without authorisation) from circulation.

Moreover, data are collected for our inspection staff, i.e. which employee performed validation when, where and how. Our train attendants are only able to view validation data for a limited amount of time.

In order to combat abuse in international and cross-border local and long-distance transport, we share travel authorisation data (ticket and card data) limited to what is absolutely necessary as well as control data with those partners who are involved in providing the transport service or who have a legitimate interest due to a control activity.

We do not automatically analyse possible movements of our customers. An evaluation of the existing data material is carried out in individual cases if a data subject should request this information as part of his or her request for information under Article 15 DSGVO.

ÖBB-Personenverkehr AG provides selected cooperation partners with the technical capability to carry out access checks via an interface. In this context, ÖBB-Personenverkehr AG does not store any personal data.

The validation is based on two different but **equivalent legal bases, namely**

- (1) the contract of carriage concluded with you, i.e. Article 6(1) b) GDPR, and
- (2) overriding legitimate interests within the meaning of Article 6(1) f) GDPR, which consist of conducting a necessary authorisation check, decommissioning customer cards and tickets that are no longer valid, preventing further cases of abuse (general prevention) and complying with contractual obligations.

8. All you need to know about your customer account

8.1. Customer account

To use all the functionalities of the joint distribution system (both under sole and joint controllership), i.e. the website and the app, you need to register and we will create a customer account for you.

In order to create a customer account, we will need at least the following information about you: e-mail address, password, salutation, your first and last name and your date of birth. When you register, we ask you whether you would like to continue to use the data previously used in the browser (e.g. recent trip searches, customer cards) as part of your customer account.

Following data entry and registration, you will receive an e-mail from us, to confirm your e-mail address and activate the customer account for ÖBB. As soon as you confirm the **activation link** and log in for the first time, your customer account is active.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

8.2. ÖBB business account

In order to use our business services (website and app), business customers can create a business account. For example, you can register your company as a corporate customer and we will create an **ÖBB business account** for you.

This allows you to use all your stored data independent of devices and browsers and simplifies and accelerates timetable enquiries, ticket purchases, company structure management and the report function.

It's as simple as this: name an administrator from your area who will handle the **initial registration**. For an initial registration, we need at least the **following information**: e-mail address, password, salutation, your first and last name, company name, address and an industry selection.

After entering the data and registering, the named administrator receives an e-mail from us to confirm the e-mail address, initiate the plausibility check and activate the ÖBB business account. Only after a positive plausibility check will the payment on account and the business tariff be activated. As soon as you confirm the activation link, your ÖBB business account is active.

In order to use or manage further advantages of the ÖBB business account, **we optionally need additional data**, such as: the structure of the company, employee names, e-mail addresses, employee role authorisation, employee discount cards, etc. This enables us to offer your employees or other persons assigned to the ÖBB business account relevant products.

The ÖBB business account also enables a pleasant and fast ticket purchase without repeated data entry by adding **payment data** in the administration. Payment data will be stored by our payment service provider, who processes your payment data using the international PCI DSS standard. The stored means of payment can be deleted at any time by persons who have received the corresponding authorisations by you.

For existing business customers, ÖBB-Personenverkehr AG offers **webinars** covering customer safety at the station and on the train. ÖBB-Personenverkehr AG shows what the company does for the safety of passengers and demonstrates how customers can also pay attention to their own safety. In addition, the various options for travel insurance are presented and explained.

The invitation to the webinar, including the invitation link, is sent by e-mail to the e-mail address provided by the business customer. For the avoidance of doubt: this is a training and information event, and the webinar does not include any promotional content.

If you use the **Wegfinder app provided by our partner iMobility GmbH** to book a service (e.g. to purchase a ticket to travel to a congress), iMobility GmbH will provide us with your name, date of birth, wheelchair yes/no, discounts, travel preferences, booking details and the organizer's business account ID, so that we can issue the ticket.

The individual bookings as well as any payments take place in iMobility GmbH's Wegfinder app. The data on CO² savings is compiled and made available to the respective organizer of the booked service without personal reference.

For **selected partners (Easy Tex)**, the business account can also be used as a service for customers. For this purpose, the partner uses a business account, in which the booking and billing takes place. If the booking is made through an international partner, data will be exchanged as part of an international data transfer for the purpose of completing the ticket purchase within the meaning of Article 49(1) b) GDPR. The data exchanged as part of the international data transfer has been limited to what is strictly necessary (this includes offer and order information, ticket information, billing information, passenger details).

For **congress bookings**, a separate booking area is created to which only a restricted group of users (organisers, participants as well as employees of the responsible parties) have access. The organiser receives a link and a TAN to the booking area created for the respective individual congress. The rights of access have been restricted so that neither the participants of a congress, nor the organisers themselves, nor participants or organisers of other congresses can access the information. Data is deleted two months after the end of the congress or finalisation of the accounts.

If an organiser assumes payment for participants' travel to a convention, the organiser will be provided with the relevant participants' booking details (first and last name, dates of travel, costs) for the purpose of reviewing the invoice.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

9. All you need to know about payment information

By **payment information** we mean information that we require for processing the payment. As a matter of principle, we will never store any payment information, such as credit or debit card numbers, expiry date, the card validation code (CVC) or user account and password data. We will only store payment information to a limited extent, namely

- if we are unable to process a cancellation automatically and instead have to wire the cancelled amount subsequently (in such an event, we store the name of the applicant, IBAN, BIC, the name of the bank as well as the address (postal code, town/city, country, street and street number);
- in case of a specific booking, we store the payment method (e.g. PayPal, online bank transfer, etc.), the card type (VISA, MasterCard, etc.), the last 4 digits, the anonymised card reference and your preferred payment methods;
- for payment methods based on a SEPA direct debit mandate or a payment slip, the information required for payment processing is stored and processed by data processors commissioned by us (ÖBB Business Competence Center GmbH and One Mobility Ticketing GmbH); this includes, in particular, the name of the person liable to pay, the IBAN, the mandate reference, information on the payment status, the invoice or customer number, as well as other personal data required for the execution, administration and documentation of the payment.

In all other cases, payment information (e.g. expiry date or the card validation code (CVC)) will be processed and used by a tested and certified payment service provider (Terminal Service Provider and Payment Service Provider).

In order to handle the payment process, we employ **tested and PCI-certified payment service providers** who process and use the payment information (e.g. CVC code or expiry date) to complete the booking. The data will only be processed for the purposes of completing payments on certified payment terminals (e.g. ticket vending machine, ticket counter, etc.) or at shop.oebbtickets.at or via the ÖBB app or via nightjet.com. These payment service providers generally operate independently and therefore process your data under their own responsibility under data protection law.

In order to clearly authorise a payment, the payment service provider will require various pieces of information from us, such as e.g. identification data for browser and operating system type, which are saved by us and forwarded to the payment service provider for processing the payment.

The European Banking Authority (EBA), Regulatory Technical Standards (RTS) and the revised Payment Services Directive (**PSD2**) prescribe **strict authentication methods** for combating online fraud. PSD2 aims at preventing online fraud with strict customer authentication rules applied to an increased number of transactions.

So-called Strong Customer Authentication (SCA) is an obligatory part of PSD2 and ensures a high level of customer protection and increased payment security. SCA is therefore required whenever you, the customer, start an electronic payment process or perform a transaction that poses a risk of payment fraud or other misconduct. In this case, you will be required to complete an identification process by providing a password and another identification factor as determined by the payment service provider. In certain exceptional cases, this authentication can be dispensed with. The decision to apply SCA or dispense with authentication rests with the payment service provider.

We are required to provide the payment service provider with the relevant data requested in order to secure your payment transaction.

More information on this can also be found on the payment service provider's own website.

For the purposes of payment risk management, as required in the specific case and as part of the purchase transaction, personal data may be transmitted in the absolutely necessary extent to the payment service provider, which then uses this data to conduct a risk assessment. Payment-related data will also be consulted for anonymised analyses.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

10. All you need to know about our Nightjet travel connections via nightjet.com

We have set ourselves the goal of allowing you to:

- use our booking site [Nightjet.com](https://nightjet.com) easily,
- quickly receive your timetable and tickets for night trains;
- only receive relevant information on your journey; and
- enjoy using our Website.

Our website [Nightjet.com](https://nightjet.com) offers services customised to your personal needs, which simplify the purchase of tickets. For example, this website uses GeoLite2 data provided by [Maxmind](https://maxmind.com). This data uses your IP address to determine approximately from which country you are accessing the website in order to predefine the country of departure when displaying connections under the menu item “Destinations” as well as the country code when booking a ticket in order to increase your user comfort. No personal data is stored during this procedure.

The first offer you will find on our website [Nightjet.com](https://nightjet.com) is always the one with the lowest current price available. If there is an additional offer for your travel request that offers more flexibility regarding travel time or ticket reimbursement, we will make you aware of this alternative. You can decide whether price or flexibility is more important to you for each journey.

For a specific journey we always bookmark the name of the person printed on tickets. This means we can be certain that a ticket is not used several times by different persons with fraudulent intent. As a result, please carry your photo ID for the ticket with you, to allow train staff to check on the correct use of the ticket on site.

If you are travelling with children or adolescents, we will bookmark the age of the children. The children's age limits differ in individual transport authorities and countries. Only if we know the age of your children can we determine the right price for the ticket purchase and create the best offer for you. We are obliged to store the date of birth for international travel. [Nightjet.com](https://nightjet.com) only asks for the children's exact date of birth when booking a pre-connection and/or onward connection.

We will provide you with all known information about your journey. In this way, you will have the most detailed and current information about your journeys and are able to respond to changes on time. Your travel companion in the ÖBB app and the [Nightjet.com](https://nightjet.com) website has the latest information for you at all times:

- where you have to transfer next;
- how much time is left for transfer;
- whether the timetable connection or
- the platform has changed.

You can find detailed information on data processing for the purpose of payment processing via [Nightjet.com](https://nightjet.com) under the heading “All you need to know about the ÖBB Ticket Shop and the ÖBB App” in the payment information section.

On the nightjet.com website, only technically necessary cookies that serve to ensure the usability of the website are used.

For **loading**, we record your telephone number and make a physical note of it on the documents assigned to you so that we can contact you in the event of an incident during unloading or a disruption during the journey. These documents can be viewed by the train attendants in charge as well as unloading personnel. These documents will be kept for a period of one year, after which time we will properly dispose of them.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

11. Ticket sales by third parties (via external booking platforms)

11.1. Ticket sales and online distribution by third parties

We use external partners to sell our tickets. **These partners are connected to us via either a web service or an OSDM interface.**

If you are simply redirected to the ÖBB Ticket Shop from an external partner's booking platform, no personal data is exchanged with the operator of that booking platform. In this case, you will enter your details exclusively via the ÖBB Ticket Shop. As part of the billing process, we only provide the partner with ticket and billing data, such as the order number, ticket type or billing amount. This will not enable the partner to identify any specific individuals.

However, if you purchase an ÖBB ticket via a third-party booking platform, the entire booking and payment process will take place on that third-party platform. In this case, the operator of the third-party booking platform will send us the data you enter, which is required to process the booking and issue tickets. This includes, for example, the travel date, train journey details, class, number of persons, name, e-mail address and, where necessary, date of birth. Once the ticket has been issued, we merely provide the third-party booking platform operator with ticket and billing details for settlement purposes, such as the ÖBB order number, ticket type or the amount to be settled.

Legal basis: Data processing is carried out on the basis of Article 6(1)(b) of the GDPR (performance of a contract or pre-contractual measures).

11.2. Ticket sales for partner offers (OSDM)

We also offer you the option of purchasing tickets from certain partner organisations, in particular rail operators, directly via the ÖBB Ticket Shop. Conversely, ÖBB tickets can also be purchased via the booking platforms of certain partner companies. For this collaboration, we use the standardised OSDM (Open Sales and Distribution Model) interface.

Open Sales and Distribution Model (OSDM): We use the industry-wide Open Sales and Distribution Model (OSDM) standard for booking and processing international rail journeys. This is a technical interface through which transport operators and sales partners exchange information on offers, bookings and reservations in real time. As part of this data exchange, personal data (e.g. booking and travel details, as well as contact details) is also transferred to the transport operators and sales partners involved, to the extent that this is necessary for completing the booking and fulfilling the contract. Your personal data will only be processed for the purpose of organising, carrying out and managing your trip, as well as any associated services.

The purpose of the processing is to arrange and fulfil contracts of carriage with third-party providers, and to ensure interoperability in international rail transport.

When you book a partner company ticket via the ÖBB Ticket Shop or an ÖBB ticket via a partner company's booking platform, you enter your details on the relevant booking platform. The data required for the booking will be passed on to the relevant partner. This is necessary so that the booked ticket can be issued, the journey can take place, and the validity of the ticket can be verified during checks, for example by means of a QR code. The partners involved only exchange the timetable, booking and ticket information that is necessary for this purpose.

As a general rule, the partner that provides the relevant booking platform is responsible for protecting the data that is being processed. You can view our partners' privacy statements at www.oebb.at.

Legal basis: Data is disclosed for the purpose of fulfilling the contract concluded with you or for the purpose of taking pre-contractual measures in accordance with Article 6(1)(b) of the GDPR.

12. All you need to know about the ÖBB mobility services

12.1. ÖBB Transfer

In certain municipalities throughout Austria, you can book a fast and comfortable shuttle service to your destination (ÖBB Transfer). This service picks you up directly from the train station, takes you to the accommodation selected during the booking process (e.g. hotel, spa) and also takes you back to the train station on your day of departure.

When booking a ticket for a specific train journey (i.e. booking a ticket to your destination and back), you will automatically be offered the ÖBB Transfer Service if this service is available at your destination. If you would like to avail yourself of this service, you can book it together with your train ticket as part of a booking process. Detailed provisions concerning the ÖBB Transfer can also be found in the Guide for travelling with ÖBB in Austria.

You will receive an email with the exact times and locations for the shuttle's departure and arrival after the purchase is completed as well as prior to the journey.

The transfer service is provided by our cooperating partners (bus or taxi companies).

The driver will wait for you at the main exit of the station or outside your chosen accommodation.

In order to use this transfer service, **the following data is collected** during the booking process: first and last name, pick-up and drop-off location, number of passengers, train number, data for validation, price and chosen method of payment, e-mail address, mobile phone number, wheelchair, dog, bicycle (to determine whether or not the transfer service allows for the transport of a wheelchair, dog or bicycle).

In order to provide the transfer service, the required data will be passed on to the cooperating partners (bus or taxi companies) in the case of a booking and by the cooperating partner to the third party providing the service (e.g. other local taxi companies at the destination) in the event that the cooperating partner does not provide the transfer service itself.

For the purpose of providing the transfer service, ÖBB-Personenverkehr AG will pass on the following data to the cooperating partners:

- Name of the person making the booking
- Mobile telephone number
- Booking number of the order
- Coordinates and desired time of the trip
- Train number for the train on which the passengers are arriving/to which the passengers are to be taken
- Fare incl. information "Paid", if it was booked via the ticket shop
- Pick-up location (name of the station or hotel, address and position on map)
- Pick-up time
- Arrival point (name of the station or hotel, address and position on map)
- Arrival time
- Number:
- Persons, children incl. discount cards (for price calculation)

- Wheelchair (to determine if the transfer service allows for the transport of a wheelchair).
- Dog (to determine if the transfer service allows for the transport of a dog).
- Bicycle (to determine if the transfer service allows for the transport of a bicycle)

ÖBB-Personenverkehr AG (as far as the train service is concerned) as well as the individual cooperating partner (as far as the transfer service is concerned) shall carry out this service **under their own responsibility under data protection law**. As a consequence, you must in particular exercise your claims/rights under data protection law (e.g. a request for information under data protection law) against ÖBB-Personenverkehr AG as well as against the respective cooperating partner.

If you wish, we will also be happy to forward enquiries to the cooperating partner or to the commissioned third party.

ÖBB-Personenverkehr AG uses

- loki GmbH, An der Welle 3, 60322 Frankfurt am Main, Germany

as a processor to provide this service.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

12.2. Rail & Drive service

In order to enhance the mobility chain within Austria, ÖBB Rail&Drive cars are made available at selected ÖBB train stations. This car sharing offer is available to all registered ÖBB Rail&Drive customers.

Please use the ÖBB Rail&Drive website to register. <https://www.railanddrive.at/> The verification process can then be completed at selected sales offices of ÖBB-Personenverkehr AG (i.e. ÖBB ticket counters, ÖBB travel agencies and ÖBB lounges). The applicable sales offices are published on our website and can be accessed via the following link: <https://www.oebb.at/de/reiseplanung-services/am-bahnhof/last-mile.html>. Alternatively, you can also carry out the entire registration process at these locations. For this purpose we provide computers and tablets at selected sales points. This allows you to start the registration process and/or complete the verification process on site.

Disclosure of the following information is required to use the Rail&Drive service: driving licence data, first name, last name, address, date of birth.

Please make sure that you are able to verify the information you have provided by means of appropriate evidence on site. In particular, it must also be ensured that the driving licence issued to the customer in question was issued in a Member State of the European Union. A physical and/or digital copy of the driving licence is made on site. **The collected data is kept for a period of one week and then deleted or destroyed.**

ÖBB-Personenverkehr AG will forward the collected data and documents electronically to **Rail Equipment GmbH & Co KG**, which is responsible for this service under data protection law. **In this case, ÖBB-Personenverkehr AG acts as the processor for Rail Equipment GmbH & Co KG.**

Your data protection claims with regard to the ÖBB Rail&Drive service must therefore be asserted against Rail Equipment GmbH & Co KG.

Contact details:

Rail Equipment GmbH & Co KG
z.Hd. Datenschutzbeauftragter
Operngasse 24/4,
A-1040 Vienna
info.railanddrive@oebb.at

The data collected at the point of sale is recorded by the data controller, Rail Equipment GmbH, in its own data processing systems and used for the purpose of providing the service. Further information on the use of data can be found in the data privacy statement of Rail Equipment GmbH & Co KG (available at <https://www.railanddrive.at/de/datenschutzerklaerung>).

12.3. Corporate mobility and shared mobility (ÖBB 360)

As a part of ÖBB 360, ÖBB-Personenverkehr AG, together with its subsidiary iMobility GmbH, offers a service for employees of companies.

Public transport, taxis, sharing services and micro-public transport throughout Austria can be booked using the “wegfinder” app provided by iMobility GmbH. This is an information and booking platform for a wide range of mobility services as alternatives to private cars.

The service offered under ÖBB 360 can be used for business and private purposes.

During the booking process, the employee selects whether it is a private trip or a business trip.

Settlement is made either by private credit or debit card or by the means of payment provided by the employer: “**Mobility budget**” and/or “Travel expenses”. In order to be able to make use of the “mobility budget” and/or the “travel expenses” options, the company must be linked to the employee’s wegfinder profile.

The mobility budget is a monthly amount provided by the employer at the beginning of each month in the form of vouchers on the wegfinder account. For all bookable mobility services in the app, users have the option to select either the mobility budget for private journeys or the “travel expenses” payment method as the means of payment for business journeys.

The respective company is also provided with your CO2 footprint for the trips made on a monthly basis.

The employer does not receive any information related to employees’ private mobility behaviour, in particular with regard to which means of transport were used for which routes for private purposes. Your employer can only see how much CO2 an employee has saved with the mobility budget they have made available.

ÖBB-Personenverkehr AG and iMobility GmbH each process personal data as independent data controllers pursuant to Article 4(7) GDPR.

ÖBB-Personenverkehr AG processes the following data:

Data collected on the company: company name incl. VAT number and company register number, address data, country, monthly invoice amount, customer number and contact person.

Data collected on the employee: e-mail address

Please be advised that ÖBB-Personenverkehr AG has no insight into the specific bookings of the individual mobility services. Booking and data processing for the mobility services used takes place in the app offered by iMobility GmbH, which operates it under its own responsibility. Further information on this topic can be found in the Data Privacy Statement, which you can access via the following link: <https://wegfinder.at/datenschutz/>

On our website, you have the opportunity to submit enquiries about corporate mobility and shared mobility via a separate input screen, and to opt in to receive information, news and offers by email, phone and text message.

In particular, **the following data will be used:** Company, title, first and last name, telephone number, e-mail address and federal state.

You may withdraw your consent at any time

- by sending an email to businesskonto@pv.oebb.at,
- by using the unsubscribe link in any mailing or
- by calling a Key Account Manager

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

12.4. **Provision of mobility services for persons with restricted mobility**

We can organise optimal assistance for you at many stations upon free advance notice at ÖBB customer service, at the ÖBB ticket counter, or at an information point at the train station. Please let us know about your desired journey in good time (see <https://www.oebb.at/de/reiseplanung-services/barrierefrei-reisen/mobilitaetsservice.html>).

We require the following data for advance notice: (1) first and last name and address; (2) phone number for queries and communications; (3) journey date, route (departure/transfer/arrival station); (4) disclosure of whether you are travelling with a companion and/or luggage; (5) type of mobility restriction (wheelchair user, walking disability, visual impairment, other restriction); (6) disclosure of whether any railway aid is required (lifting device, railway wheelchair,...); (7) disclosure of the meeting point at the station; and (8) if already available, carriage and seat number.

Data on a provided service will be stored by ÖBB-Personenverkehr AG on a national level for a **maximum period of three years and subsequently automatically deleted**.

If the mobility service is provided within the country, the data is passed on to the relevant partner:

- **ÖBB-Operative Services GmbH & Co KG**
1150 Vienna, Felberstraße 3a, e-mail: info.os@oebb.at
- **Newrest Wagons-Lits Austria GmbH**
1100 Vienna, Margaretengürtel 35, Stiege 2-3
- **To the railway operator responsible for the specific journey or another partner organisation (taxi company or Österreichische Postbus Aktiengesellschaft)**
- **In the event of cross-border journeys**, data are transferred to a database provided by the International Union of Railways (UIC, Union internationale des chemins de fer), to which only relevant partner railways (partner operators) have access for handling the mobility service. This is intended to ensure that appropriate assistance is provided at an international arrival station or stations by the responsible international partner railways (partner operators). The provision of a cross-border mobility service was agreed internationally within the framework of a separate agreement. In particular, the scope of data disclosed in the individual case and the

intended use were restricted to the extent that is absolutely necessary. In order to provide a cross-border mobility service, **the following data will be disclosed and stored in the UIC database until completion of the journey:** journey data, title, first and last name, e-mail, language, type of mobility restriction, aid, other significant information, e.g. companion or service dog, luggage. The above data shall therefore be deleted immediately following completion of the journey in the event of cross-border journeys.

Legal basis:

Article 6(1)(a) and Article 9(2)(a) of the GDPR: (consent to the processing of data relating to people with reduced mobility)

Article 6(1)(c) of the GDPR: (Performance of the contract for the mobility service you have booked, in conjunction with the Guide to travelling with ÖBB in Austria (published on www.oebb.at)) and

Article 6(1)(c) of the GDPR: (legal basis / obligation under the GDPR: (1) Federal Railway Act (Bundesbahngesetz), Federal Law Gazette No. 825/1992, as amended), (2) Regulation (EU) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations.

Should you withdraw your consent to the processing of data requiring special protection (sensitive data) (i.e. the nature of your mobility impairment), we will delete such data within the statutory period of one month following receipt of your withdrawal of consent. Please note that the right of withdrawal applies exclusively to data collected regarding the nature of the mobility impairment in connection with the booking of the service. No further data will be deleted. In particular, travel details and data relevant to invoicing will continue to be processed, especially as this data processing is governed by a different legal basis.

You may withdraw your consent at any time by sending an e-mail to the following address: datenschutz.personenverkehr@pv.oebb.at

12.5. Luggage service

In combination with a ticket, you can make use of a luggage service for normal luggage items as well special baggage for journeys within Austria (see fare regulations).

The booking can be made through our company (i.e. at the ticket counters or by phone via the customer service). We are at your disposal as a contact for our cooperation partner (GO! Express & Logistics GmbH, 1230 Vienna, Pfarrgasse 81).

The cooperating partner shall perform this service at its own responsibility. In order to allow the cooperating partner to perform its logistical service, the following data - assignable to you - **shall be disclosed to such a partner for the performance of the service, which you communicated to us when booking this service:** first and last name, telephone number, e-mail address, pick-up and delivery address, date, time and time window of pick-up and delivery.

If you wish, we will be happy to pass on complaints and other queries to the cooperating partner as required.

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

12.6. ÖBB bike services

As part of ÖBB Bike, ÖBB offers two products: **ÖBB Bike:Rental** (longer rental for day trips) and **ÖBB:Bike Sharing** (short-term rental for short distances).

The processor Digital Mobility Solutions GmbH, Vaalser Str. 17, 52064 Aachen, Germany, provides a web-based administration backend (MoQo platform) for the digitalisation of the bicycles and the operational processing of the bike rental service.

Bike rental takes place via the wegfinder app provided by our cooperation partner iMobility GmbH, Weyringergasse 5/B4, 1040 Vienna, **which provides this service under its own data protection responsibility**. You can view our cooperation partner's privacy statement via this link: <https://wegfinder.at/datenschutz/>

The rental relationship is established with the respective bike rental service operator. You can review the operator's respective rental conditions in the wegfinder app.

Prior to first-time use, an **account** must be created in the Wegfinder app and a means of payment must be registered. The terms and conditions of the respective bike rental service provider must be accepted in order to hire the bike. The billing will be done by iMobility GmbH after the bike has been returned.

Data that is stored

- Date and time of account creation
- First and last name
- Date of birth, if you disclose this to us
- Discount cards that you have disclosed to us
- E-mail address
- Mobile telephone number
- Postal address
- Number of bookings made
- Date of the booking
- Data of assigned promotion codes, incl. data on utilisation
- Details of the service used (for example, date and time of the start of the booking period, date and time of the end of the booking period, date and time of the start of rental, date and time of end of rental, date and time of booking, date and time of cancellation of booking (if cancelled), vendor with whom the booking was made, type and size of vehicle booked, price of booking, model of vehicle booked, pick-up location, drop-off location, duration of rental, additional features booked (optional, insurance only)).
- Declared consent to the GTC
- CO2 savings from booked services
- Payment details
- Invoices issued by the provider of a service

In the event of a booking, data will be forwarded to the respective bike rental service operator.

The respective **bike rental service operators** can be found on the ÖBB website via the following link: <https://www.oebb.at/de/reiseplanung-services/sharedmobility/oebbbike>

We record the location of our bikes at the time of rental and return so that we can find them more quickly and ensure accurate billing. Only the current location is determined; the route travelled while the service is in use is not tracked. If location data is required for billing purposes, processing is carried out on the basis of Article 6(1)(b) of the GDPR. In all other cases, we base the processing on Article 6(1)(f) of the GDPR, as this enables us to optimise the operation of our service – for example, by distributing the bicycles across the city in line with demand. In addition, the location of the bicycle is checked once a day. In the event of a specific suspicion of theft, or if a bicycle has not been returned as required, the frequency of location checks may be temporarily increased in order to prevent misuse and to enable the tracing of any potential criminal offences relating to its use. Once the relevant purpose has been fulfilled – for example, once the bicycle has been returned – the GPS data will be restricted or deleted, provided that no contractual obligation, legal basis or legitimate interest – such as the enforcement of claims – requires it to be retained for a longer period. In accordance with commercial and tax law requirements set out in Section 257 of the Commercial Code (HGB) and Section 147(1)(4) and (3) of the Tax Code (AO), we are required to retain data relevant to invoicing for a period of ten years.

The **data is also transferred** to our processors:

- MoQo platform: Digital Mobility Solutions GmbH, Vaalser Str. 17, 52064 Aachen, MO.Point – Mobilitätsservices GmbH, Niederhofstrasse 30 / 11, A-1120 Vienna
- ÖBB-Business Competence Center GmbH (Lassallestraße 5, 1020 Vienna, <https://bcc.oebb.at>).

Differentiated deletion periods (between 1 year and 10 years, depending on the respective reason for storage) have been defined based on factual aspects. The deletions are carried out independently by the processor. In deviation from this, data may only be stored for a longer period in individual cases if there is a special reason for such storage (e.g. civil court proceedings).

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) (legal obligation) and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

12.7. Rental of a bicycle parking space

Customers have the option of renting a bicycle parking space by the month or for an entire year via an app. The bike room can be opened/closed via the app (smart door control) using a QR code. Customers will be informed by e-mail / app prior to termination of the rental agreement.

Note: For this service, the controller uses the processor JUHUU BikeBox GmbH, which in turn uses processors located outside the EU. In particular, the processor uses Google Cloud Platform for its cloud computing services and has concluded the necessary data protection agreements and standard contractual clauses with Google Ireland Limited, with registered office at Gordon House, Barrow Street, Dublin 4, Ireland and Google LLC, with registered office at 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA.

For sending e-mails, the TÜV-approved processor Sendinblue GmbH, Köpenicker Straße 126, 10179 Berlin is used, whose processors have either concluded EU standard contractual clauses or have a server location in the EU.

The following personal data will be processed in the context of bike rental services

- The user's e-mail address incl. password
- Full name of the user

- Telephone number
- Invoice address data (optional): Country, street, house number, postcode, city
- Chosen payment method: Apple Pay or credit/debit card (payment is processed via a certified payment service provider).
- Permission to use the camera: No photo or video material is stored. The camera is only used to scan the QR code.
- Permission to access the user's location. The location is processed by JUHUU servers in order to find locations of ÖBB and other providers in the vicinity. After processing, the user's location is deleted again. The location is never associated with the user
- Rental period incl. correspondence (notice of end of rental agreement, information regarding the settlement of the agreement)
- Special authorisations with regard to the rental relationship (duration, price, etc.)
- Rental fees charged
- Information on damage caused

Differentiated deletion periods (between 1 year and 10 years, depending on the respective reason for storage) have been defined based on factual aspects. The deletions are carried out independently by the processor. In deviation from this, data may only be stored for a longer period in individual cases if there is a special reason for such storage (e.g. civil court proceedings).

Legal basis: Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

12.8. Information on selected major construction sites

In addition to the information required by law under Section 20(3) of the Railway Transport and Passenger Rights Act (see Section 14.2. [→ 48]), we also inform customers in certain cases about particularly extensive or long-term construction work. This additional information on construction work is intended to provide affected customers with early and comprehensive information on planned restrictions, alternative arrangements, changes to travel recommendations or other relevant advice relating to specific major construction projects.

Please note: This additional information is not provided instead of the legally required information regarding specific changes, delays or train cancellations, but rather supplements it in individual cases. It is only made available for selected construction projects and only for a limited period.

In preparing this information on construction work, we identify specific customer groups for whom the information is likely to be relevant. The following data in particular is processed for this purpose: Customer master data, in particular place of residence or postal code; existing contact details; sales and booking data, in particular tickets purchased, reservations, customer cards, routes travelled, travel dates or other indications that the customer may be affected by the relevant construction work.

The selection is made solely to enable us to assess in advance the relevance of the construction site information for the respective customer group. No further assessment of individual customers is carried out.

Customers for whom such construction work information is likely to be relevant will receive an invitation by e-mail enabling them to subscribe to an information service specific to the respective construction site. Such an invitation will only be sent if you have already given your consent to receive marketing communications.

Construction site information is only sent out if customers have actively subscribed to the respective construction site information service.

Please also note that signing up for and unsubscribing from this specific information service is independent of any general consent to receive marketing communications that you may have given via your ÖBB account. You can unsubscribe at any time; however, this will only apply to the respective construction site information service. For the purposes of registration, dispatch and administration of the construction site information service, we process the following data in particular: e-mail address, name, customer ID, time of registration, time of cancellation of subscription, relevant construction site information service, dispatch status, technical dispatch data.

During the dispatch period, we may analyse whether construction site information has been delivered, opened or clicked on, in order to ensure, manage and improve our information service. These analyses are intended, in particular, to track the technical delivery of the information, to assess its relevance and clarity, and to improve the information service for future communication regarding construction sites. To this end, we analyse the delivery status, time of opening, click behaviour, unsubscriptions, technical errors and bounce information.

Processing is carried out **on the following legal bases**:

The identification of potentially affected customer groups and the assessment of relevance are carried out on the basis of Article 6(1)(f) of the GDPR, as we have a legitimate interest in providing customers with targeted information about major construction work that is likely to affect them and the associated implications for their travel plans.

Invitations to register are sent on the basis of Article 6(1)(a) of the GDPR in conjunction with an existing consent to receive marketing communications under Section 174 of the Telecommunications Act (TKG)

The registration for and sending of construction site information are carried out on the basis of Article 6(1)(a) of the GDPR, provided that customers actively subscribe to the relevant construction site information service.

The processing of technical dispatch and response data is carried out on the basis of Article 6(1)(f) of the GDPR, insofar as it is necessary for the technical provision, traceability, quality assurance and improvement of the information service.

Data processed in connection with the relevant construction site information service is, as a rule, stored only for the duration of the relevant construction site or mailing period and is deleted or anonymised after a period of 24 months.



13. - to remain empty -

14. All you need to know about other services

14.1. Scotty timetable information including push services (app/web)

General

Our timetable information service ÖBB Scotty offers you the opportunity to obtain information about timetables, stations or the current transport situation of ÖBB trains and several other transport operators. With the door-to-door timetable information you can query the fastest route from A to B throughout Austria and use other services. Moreover, additional relevant information is available, such as data on station or train equipment, as well as the opportunity to store journey data in your own calendar or to share it with other persons.

Data storage

ÖBB Scotty is a service which can be used without registration. This service is therefore generally anonymous, because as a matter of principle, ÖBB does not store your contact data, location data, calendar entries, query results, etc. The only exceptions are if you want to use our push notifications or share your connections with other people. As a result, ÖBB cannot and will not use data for any other purposes. Your query results remain completely anonymous and will not be stored, meaning that we cannot and do not create user profiles.

How does ÖBB Scotty work from a technical perspective?

An active internet connection is required to install ÖBB Scotty on your device or to access it via <https://fahrplan.oebb.at/webapp> and to communicate with our information server, which calculates the connection results for you.

In order to allow you to use all functions of ÖBB Scotty, it is necessary to grant further authorisations/cookies, allowing for access to specific data for your device. These rights can also be withdrawn again in the application or at <https://fahrplan.oebb.at/webapp> if desired. Depending on your operating system, you can disable them at any time by going to System Preferences/Application Management/Cookie Management.

In detail and depending on the device used, ÖBB Scotty explicitly requests you to grant the following rights:

Contact data: These will only be used to display the transport connection to or from a contact from your address book. Only city names, roads and house numbers are used for the search. We will not store (nor cache) such data.

Device location/location: Your current location can only be identified for an optimal connection search by ÖBB Scotty if you wish, in order to search for travel connections from there or to find stations nearby. No caching is carried out, either, and as a result the creation of movement profiles, etc. is not possible.

Calendar: ÖBB Scotty offers you an additional service to store travel data for your connection in your device's calendar. This service is not compulsory, but is determined at your personal discretion. However, the actual contents of the calendar will not be read.

Share connection: ÖBB Scotty offers you the additional service of sharing your travel data for your connection with other people. This service is not compulsory, but is determined at your personal discretion. To share connections, the encrypted key data of a selected connection is stored on the server so that the connection can be reconstructed on other devices or by other people. However, the encrypted key data does not reveal who a link was shared with, through which channels it was shared, or how often it was shared.

Notifications: This right is required to receive and display push messages (e.g. information on delays).

How does the “alarm” function in ÖBB Scotty work?

A push alarm is available to you on the ÖBB Scotty app and website.

Registration

1. **ÖBB Scotty App:** In order to set up the push alarm, simply search - as usual - for your connection and then click on the “Alarm” button. You will then receive a corresponding push message on your ÖBB Scotty App.
2. **ÖBB Scotty Web:** you can set e-mail alarms via Scotty Web by selecting a connection and clicking under “Details of the connection”. You can find the “Alarm” button there under the selected connection. After entering/verifying your e-mail address, we will send push notifications to your disclosed e-mail address.

As a result, you can decide whether or not you wish to use the function.

Notifications are completely free of charge to you. We will inform you if we have the necessary information on delays, changed departure platforms, risky connections, train cancellations or deviations and recommendations for the connection selected by you. As soon as there is any change to your connection, you will receive a push notification, provided we hold such information.

Unsubscribing:

In addition, you can deactivate push notifications again at any time.

1. **ÖBB Scotty App:** you can delete your services in the “Alarms” area or deactivate them for a specific period.
2. **ÖBB Scotty Web:** any deviation notification shall be furnished with an unsubscribe link for this purpose, by means of which the service can be cancelled. However, it is also possible to delete your alarms or deactivate them for a certain period of time directly via ÖBB Scotty Web in the “Alarms” menu.

If you use the “Alarms” function, identification parameters, travel connection data, device IDs, relevant intervals and your e-mail address are stored in Scotty Web. Data are stored in case of one-off notification, as long as the selected connection is valid. If you have repeatedly set notifications on certain days, data shall be stored for as long as repeated notification is requested by you.

ÖBB Scotty analytics service

When you use ÖBB Scotty, it records user activity without being able to trace it back to a specific person. The anonymous analysis helps us to further improve ÖBB Scotty and adapt it in a targeted way to the needs of our customers. If you still do not want this analysis, you can disable it in the app or in the device system. In the web browser or in the Scotty web version, this is possible via the “cookie settings”.

The analysis is conducted via an anonymous user ID, which does not allow for traceability or an opportunity to draw conclusions about the identity of a specific person.

Google Firebase Analytics is not used in our analyses and has been deactivated by us.

Integration of the Scotty timetable widget:

If you embed the Scotty widget in your website, the widget generator creates a code and redirects the queries and the display of the query results to Scotty.

The only thing that happens is a query to the Scotty server, so it is not possible to identify the user, not even through logs.

Scotty does not place functional cookies in visitors' browsers without their consent, and user activity is only recorded anonymously.

In particular, ÖBB-Personenverkehr AG does not create any digital fingerprints. ÖBB-Personenverkehr AG therefore has no personal information about visitors to the timetable enquiries.

Accordingly, the use of cookies does not require consent, since only cookies that are necessary for the operation are set, user activities are only recorded without the possibility of tracing them back to a specific person, and data is not passed on to third parties.

14.2. **Statutory information pursuant to § 20 (3) of the Railway Transport and Passenger Rights Act**

We are legally obliged to inform our passengers about any breakdowns, about activities that are expected to result in breakdowns such as delays or train cancellations from transport services and the anticipated impacts. In case of personal bookings, such as reservations, there is an enhanced information obligation for other information technologies, where contact data are known to us.

As a result, prior to the start of your journey, we will send you an e-mail or text message notification, regardless of whether you have registered for a push service, in the event of a ticket booked online or on a mobile device with a fixed departure data and time, if at the time of booking the timetable for the connection is not yet fixed and therefore the departure and/or arrival time of the booked train can still change and we are aware of new travel information. In the event that you have made a booking via customer service or at a ticket counter, you will only receive a notification if you have disclosed your e-mail address to us.

However, such notifications shall be issued at the earliest 180 days before the booked start of the journey.

If you no longer wish to receive such notifications for a journey, you can simply cancel further notifications by clicking on the link *"Cancel notification"* in the e-mail notification *"New travel information on your booking"*. In the event of a cancellation, you will not receive any notifications by e-mail or text message after technical implementation.

There is no option to cancel in the event of a change to the rolling stock on Nightjet connections.

For the purpose of statutory customer information, we also receive data from other railway companies, ticket vendors and transport association organisations for the purpose of providing notifications regarding deviations.

If customers book tickets where the transport service is provided by a third party railway company, we will pass on the relevant data to the competent railway company so that you can be notified by the respective railway company in the event of any deviation.

For the purpose of notification, the following personal data will be processed by the controller:

Email address, telephone number, details of the train connection (starting station, destination station, date and departure time/arrival time, train number, carriage number, service category booked, booking code and reservation number).

Notifications will be deleted 18 months after the date of travel. We use the Microsoft Azure service to send you notifications. With regard to the associated international data transfer, please also refer to Section 6.7. [→ 22].

14.3. Railnet & Railnet Regio Portal

If connected to WiFi on your train ("ÖEBB"), the ÖBB onboard portal offers passengers access to service functions related to the train and the journey, to the ORF-TVthek (ORF TV library) as well as free access to over 100 digital Austria Kiosk newspapers and magazines, among other things.

In order to use the WiFi and the onboard portal with all its functions, you as the user must agree to the terms of use when connecting to the WiFi. The terms of use also inform you about the use of cookies on the ÖBB onboard portal.

Cookies are used by the onboard portal in order to allow for the provision of a comprehensive and customer-friendly service. **Cookies are used for the following functions:** journey preview, ORF TVthek, data analysis by Piwik (Matomo).

When using the ÖBB Onboard Portal, **ÖBB-Personenverkehr AG collects and uses customers' personal data only to the extent strictly necessary**. During the session, ÖBB-Personenverkehr AG processes the MAC address and the operating system of the device, the timestamps for the start and end of the connection, the selected language and the data volume used, for the purposes of providing Wi-Fi access and for statistical analysis.

As a rule, this data is only passed on to designated data processors (Icomera Germany GmbH, Theodor-Stern-Kai 1, 60596 Frankfurt am Main) and not to any other third parties, and is stored for up to seven days.

Legal basis: Article 6(1)(a) of the GDPR (consent of the data subject), Article 6(1)(b) of the GDPR and Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

14.4. Use of Google Maps and Apple Maps

Google Maps /Apple Maps are online map services, which show the earth's surface as a roadmap or an aerial or satellite image, on which locations of institutions or known structures are also displayed.

We use Google Maps for the following purposes:

- To select routes on the home page <https://www.nightjet.com/>
- To display sights on city pages (for example at: <https://www.nightjet.com/reiseziele/oesterreich/innsbruck.html>)
- To display connections on country pages (for example at: <http://www.nightjet.com/reiseziele/italien.html>)

We use Google Maps and Apple Maps to display stops near you when using the SimplyGo! feature.

For these purposes, "Google Maps JavaScript API" or "Google Maps SDK for Android" is used. No personalisation is implemented and no cookies are set by Google Maps-API.

14.5. Services provided by our various chatbots

14.5.1. General information about the ÖBB.Bots

In addition to telephone enquiries or requests via the contact form provided on www.oebb.at, you also have the possibility to use our chatbots / ÖBB AI Bot.

This makes it easy for you to get in touch with us, so that your enquiry can be dealt with more quickly.

Our chatbots are text-based dialogue systems that allow you to chat with a technical system for standard enquiries and routine tasks.

In general, when using the ÖBB.Bots, the following personal data may be collected and processed, depending on the nature of the enquiry: name, date of birth, contact details, ticket- and card-related data, bank details, IP address, transaction number, consents given and withdrawn, and communications with customer services.

14.5.2.

Legal basis

If you use the chatbot to ask questions about contract processing, the exercise of passenger rights or other rights, or for other enquiries (pre-contractual information), data will be collected and processed to the extent strictly necessary on the basis of Article 6(1)(b) (performance of a contract) and (f) (legitimate interests) of the GDPR: First and last name, full address, e-mail address, full bank details, ÖBB ticket codes, subject of the enquiry and the documents provided by the customer.

Our chatbots are also provided on the basis of a legitimate interest pursuant to Article 6(1)(f) of the GDPR, which consists of the efficient and rapid provision of information and assistance, the saving of manual resources, and the ability to answer questions regardless of opening hours. This benefits not only ÖBB-PV AG, but also customers, who can expect a quicker response to their queries.

However, as it cannot be ruled out that certain keywords may need to be used to answer specific questions (e.g. "wheelchair user"), which are to be classified as special categories of data (**sensitive**) within the meaning of Article 9 of the GDPR, or that customers may voluntarily disclose other sensitive information which is not actually necessary to answer the questions, we ask for your **consent** prior to using our bot, in accordance with Article 9(2)(a) of the GDPR, to process sensitive data. This is to ensure that we can answer all your questions promptly and in full, without interrupting the chat conversation.

Consent is given for the duration of the conversation, i.e. until the chat window is closed. In other words, we will seek your consent each time a new conversation is started.

We would like to point out that the remaining data, which is not classified as sensitive, is processed in accordance with Article 6(1)(b), (c) and (f) of the GDPR, irrespective of your declaration of consent, and is not subject to that declaration.

Should you have a **right of withdrawal** in a specific case, you are entitled to withdraw your consent to the processing of sensitive data at any time during the chat or after the chat has ended. If you wish to withdraw your consent before the chat ends, please use the withdrawal option provided in the ÖBB.AI.Bot. In this case, the chat history, including the consent and the withdrawal thereof, will be deleted. Should you wish to withdraw your consent once the chat has ended, please notify us in writing via our data protection email address: datenschutz.personenverkehr@pv.oebb.at.

Please ensure that personal data or particularly sensitive personal data is only entered into the chatbot if such data is absolutely necessary for the processing of the case. Personal data or particularly sensitive data is only required for the use of this bot in very specific cases. In many cases, processing this information is not the intended purpose of using the chatbot.

14.5.3.

Deletion period:

For all bots, data (chat history, including the declaration of consent) is available for 30 days and is automatically deleted after this period.

If you wish, a chat log of your chat history can be provided to you, as long as you have not closed the chat session.

Depending on the subject of the enquiry, data may be processed in downstream systems (e.g. complaints system). In this case, data will be deleted after the applicable statutory retention obligations have expired (i.e. either after three years or after 11 years). This is due to accounting regulations, limitation periods under civil law or for reasons of preserving evidence.

14.5.4. Chatbots that are used without generative AI:

- a) Information on the subject of passenger rights (further details available at <https://www.oebb.at/de/reiseplanung-services/kundenservice/refundierung-chatbot>)
- b) Information on our Nightjet offer (ÖBB Nightjet Bot) <https://www.nightjet.com/>
- c) Information on our ÖBB Vorzugspunkte programme <https://www.oebb.at/de/vorzugspunkte>

14.5.5. Bot supported by the Microsoft Copilot AI system

The ÖBB.AI.Bot used on our website is purely an information system which, with the help of artificial intelligence, provides answers to general questions about travelling by train with ÖBB. The answers are generated using a language-based AI model, based on the questions you have entered. The ÖBB.AI.Bot is designed to provide you with quick and non-binding initial information on frequently asked topics.

Our ÖBB.AI.Bot is based on Microsoft Copilot and uses modern AI technology to answer queries. The AI analyses your input and then generates appropriate responses in natural language. The chatbot only provides information; it never makes any automated decisions with legal effect.

The provider is Microsoft Corporation, One Microsoft Way, Redmond, WA 98052-6399, USA

We use Microsoft as a data processor. Microsoft was contractually obliged to keep customer data confidential.

ÖBB.AI.Bot is provided by Microsoft as part of the Microsoft 365 Copilot environment. The underlying AI models, such as GPT-4 and GPT-5, are developed by OpenAI, but are provided and operated within Microsoft's secure infrastructure in a separate ÖBB tenant.

All data is encrypted during both transmission and storage.

Any input or data processed in connection with the use of the ÖBB.AI.Bot is used solely for the purpose of generating responses. This data will not be used or shared with Microsoft or OpenAI for further AI model training. Microsoft is also not authorised to process customer data for other own purposes (e.g. advertising purposes).

Microsoft guarantees compliance with the GDPR and the strictest data protection and IT security standards. The measures include role-based access control, regular security updates, transport- and storage-level encryption, and specific testing procedures to ensure compliance with data protection regulations.

In order to continuously improve and further develop the system, we exclusively evaluate prompts and results in anonymised form. In doing so, we ensure that it is impossible to draw conclusions about individual users or their personal data.

If you are not satisfied with the response you have received, you can contact one of our customer service staff. To do this, you will be provided with a **"Forward enquiry"** button. In this case, please provide your name and e-mail address so that your enquiry can be dealt with. Please note that, in this case, the chat history will be transferred to our customer service system.

14.5.6. Special case: Own live chat ÖBB rapid assistance in case of emergency

In the event of an increased volume of calls or enquiries, ÖBB also provides a **live chat service on its website**. The following data may be collected as required: first and last name, complete address, e-mail address, complete bank details, ÖBB ticket codes, subject of the enquiry, documents provided. This information is stored in accordance with Article 6(1)(a) GDPR (consent), Article 6(1)(b) GDPR (contract processing) and Article 6(1)(f) GDPR (legitimate interests, which consist of enabling ÖBB customers to communicate their concerns quickly). This data is deleted in the downstream systems after expiry of the statutory retention obligations, which depend on the subject of the enquiry (i.e. either after three years or after ten years).

14.6. SimplyGo! function in the ÖBB App

SimplyGo! makes buying tickets with your customer account easier than ever. With the help of GPS location services and smartphone sensors, SimplyGo! automatically recognises your journeys on public transport in Austria and takes care of all the necessary ticket-purchasing steps. SimplyGo! takes care of all further steps after you check in at the start of your trip and check out at your destination, automatically charging your credit or debit card for the trip.

The following information is required from the customer for this optional convenience feature:

- First and last name
- Date of birth,
- E-mail address used for the customer account,
- Federal state and
- the data that you yourself have stored in your customer account.

The following data is automatically collected by the controller during use:

- operating system of the mobile device incl. device ID, model of the mobile device,
- start and end time of a journey,
- automatically detected or manually selected check-in stop,
- check-in time,
- automatically detected check-out stop,
- check-out time (active or passive),
- start and end time and total duration,
- GPS location data along the travel route,
- WiFi access points,
- GSM location data,
- accelerometer data,
- means of transport used,
- any discounts on file,
- assigned journey ID
- assigned tracking ID

This is used to determine reference values and points that help identify the start, course and end of the journey. The ÖBB App assigns a valid public transport timetable to this mobility behaviour and determines the fare.

For technical reasons, we require iOS devices to “always” grant permission to access the location. This is important so that ongoing journeys can also be recorded in cases where the ÖBB App is only running in the background.

Pseudonymised data is transferred to our data processor FAIRTIQ AG Aarberggasse 29 3006 Bern Switzerland for the further development of SimplyGo! functionality. Our data processor itself is not able to establish a personal connection to you.

If a payment method is registered for the SimplyGo! function, we will store payment information for a period of 12 months, including in the event that the function is deactivated, for the purpose of processing any required corrections.

Data collected as a result of the use of our automatic ticketing will be deleted at different times:

1. Data relating to the processing of ticket purchases (incl. responses to customer enquiries and validation data) will be stored for the duration of the statutory limitation period of three years.
2. Accounting data must be retained for a period of ten years due to statutory retention requirements (§ 209 (5) BAO).
3. Collected data will also be used for the defence of legal claims (for example, fraud cases) and stored for a period of three years from the legally binding conclusion of the legal or regulatory dispute.

14.7. **Reservation availability notification service**

You have the option of receiving a notification when a reservation for a connection has been made available again (reservation releases).

To do this, please provide your e-mail address to which the information should be sent when searching for a connection.

Once you have activated the service via the confirmation link, you will receive an email notification as soon as reservations for your selected connection become available.

The relevant information (particularly the e-mail address, activation date and dispatch date) is stored for a period of 6 months from the departure of the connection and is then automatically deleted.

You can withdraw your consent by clicking the link in the registration confirmation.

Legal basis: Article 6(1)(a) of the GDPR (consent of the data subject), Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

14.8. **ÖBB customer service**

14.8.1. **General**

Personal data is processed when you contact our ÖBB customer service with an enquiry (e.g. with questions, requests, suggestions, complaints, criticism, enquiries via the ÖBB.Bot or other information (e.g. a ticket machine malfunction)) regarding a product and/or service that is under the sole controllership of ÖBB-Personenverkehr AG.

14.8.2.

Online contact form

If you do not wish to contact us by telephone or in person at one of our ticket offices, you can also get in touch with our ÖBB Customer Service using the **online contact forms** provided on the ÖBB website (see <https://www.oebb.at/kontakt>). Data is transmitted in encrypted form via a secure data connection.

Data collected in particular when using a contact form includes:

- Information relating to the specific matter itself,
- The first name and surname of the person concerned and, where applicable, of any other parties involved,
- Contact details, including e-mail address,
- Date of birth, if required for the processing of the case,
- Gender (female/male/other),
- Documents, including those containing sensitive information, which are necessary for processing the matter, or which are provided voluntarily by customers,
- Consents given (sensitive data, forwarding or participation in the service barometer),
- First-time enquiry or existing enquiry,
- Case number or other identification number,
- Bank details, if required,
- Information in the free-text field.

As it cannot be ruled out that, when using our online contact forms, you may voluntarily provide information that could relate to **special categories** of personal data within the meaning of Article 9 of the GDPR – such as details of reduced mobility, health conditions or other **sensitive information** – we ask for your explicit consent to the processing of such data before you submit the form. This applies in particular even if this information is not strictly necessary for dealing with your specific enquiry. This consent enables us to process your enquiry in full, without the need for further enquiries or interruptions to the processing.

Internal quality assurance (service barometer): When you use the contact form, you will, among other things, be given the option of agreeing to take part in a satisfaction survey. This gives you the opportunity to rate our customer service performance. Your data will be deleted at the end of a period of six months from the date on which the case is closed. For these purposes, we occasionally use our contract processor Lamano GmbH & Co. KG Frankfurter Allee 69, 10247 Berlin / (030) 120 88 512, info@lamapoll.de or use the Microsoft Dynamics solution for this purpose; see Section 6.7. [→ 22].

14.8.3.

ÖBB customer service

Please note that when your enquiry is being processed by the **ÖBB customer service team**, the allocation of your enquiry to an internal ÖBB team and the drafting of a response may be carried out **with the aid of artificial intelligence**. It should be noted that the Microsoft Copilot AI system is used to generate draft replies (see also the comments on the AI system in Section 14.5. [→ 49], sub-section 5). The final decision is always made by a member of staff. No automated decision-making takes place in this context.

14.8.4. Use of personal/sensitive data and withdrawal of consent

Personal data is collected in connection with a customer's specific enquiry. If you use our online contact forms or other forms for this purpose, the scope of the data collected will vary depending on the nature of your enquiry; however, we will only collect data to the extent that is strictly necessary.

Please ensure that you only provide us with information and personal data to the extent that is strictly necessary.

If you disclose or provide us with **data and documents** that are considered **sensitive** within the **meaning of Article 9 of the GDPR** for the purpose of responding to your enquiry, we may only process this data on the basis of your consent in accordance with Article 9(1)(a) of the GDPR.

If you do not give your consent by ticking the checkbox on the contact form or verbally to one of our staff members, we will ask for your consent at the latest when your case is being processed. Should you give your consent verbally, we will make a note of this in our systems.

We would like to point out that the remaining data, which is not classified as sensitive, is processed in accordance with Article 6(1)(b), (c) and (f) of the GDPR, irrespective of your declaration of consent, and is not subject to that declaration.

You may **withdraw** your consent at any time by exercising your rights as a data subject directly with ÖBB-Personenverkehr AG using the data protection contact details: datenschutz.personenverkehr@pv.oebb.at. If the data provided **relates to another person**, you must confirm that you have been authorised to give consent, to disclose the data and to process it subsequently.

Please note that, in individual cases, we may also process data relating to any **communication block** (first name and surname, reason, advance notice, any time limit, e-mail address).

Legal basis: Article 6(1)(a) of the GDPR (consent), Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations), Article 6(1)(c) of the GDPR (processing is necessary for compliance with a legal obligation to which the controller is subject), Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party) and Article 9(2)(a) of the GDPR.

14.8.5. Use of speech recognition and transcription systems in customer service

As part of a pilot project, we are using assistive technologies to improve our customer service. This involves converting your telephone conversation automatically into a text transcript using Microsoft's speech recognition technology. This transcript can subsequently be organised and categorised by topic with the help of Microsoft Copilot, enabling your enquiry to be dealt with more efficiently.

Processed data

During the transcription and subsequent processing, the following personal data in particular may be processed:

- Contact details (e.g. telephone number, name)
- Travel dates and details of your enquiry
- The content of the telephone conversation and any other information you have provided
- In the case of booking transactions, payment details (credit card details are automatically masked and not stored in plain text)

- In individual cases, details relating to special categories of personal data (e.g. information on mobility restrictions), insofar as this is necessary for the processing of your enquiry

Purposes of processing

Data is processed for the following purposes:

- Creation of a structured transcript of a conversation
- Documentation and traceability of customer enquiries and agreed actions
- Support for our staff in handling enquiries
- Automated allocation and categorisation of enquiries
- Acceleration of processing and avoidance of queries
- Quality assurance and continuous improvement of our customer service

Legal basis

Your personal data is processed on the basis of:

- Your consent in accordance with Article 6(1)(a) of the GDPR
- Your explicit consent in accordance with Article 9(2)(a) of the GDPR, where special categories of personal data are concerned
- Our legitimate interests pursuant to Article 6(1)(f) of the GDPR (in particular, the efficient organisation of service processes, quality assurance and the optimisation of customer service)
- Article 6(1)(b) of the GDPR, insofar as the processing is necessary for the implementation of pre-contractual measures or for the performance of a contract

Note on automated processing

No automated decision-making within the meaning of Article 22 of the GDPR takes place. In particular, there is no emotion recognition, nor is there any assessment of your behaviour, mood or personal characteristics.

Recipients and confidentiality

Your data will be treated confidentially. Only authorised staff members have access to the transcripts, insofar as this is necessary to deal with your enquiry. The data will not be passed on to third parties.

Storage period

In the absence of a specific business case, transcripts are stored for a maximum of three months.

Where a business transaction has taken place, the data is stored in accordance with statutory retention obligations, usually for three years, and in individual cases for up to ten years.

Voluntary nature and withdrawal

Participation in the transcription is voluntary. You may withdraw your consent at any time with effect for the future. In this case, no further transcripts will be created, and any transcripts that have already been created will be deleted. Your enquiry will, of course, be dealt with even without a transcript.

14.9. All you need to know about online consultations with ÖBB travel agencies and the app dates at the ticket counter

We are introducing a new service for you with immediate effect: Consultation and sales talks are now also conducted online.

This procedure not only offers a good alternative for persons with restricted mobility, but also allows you to use the travel agency service of ÖBB-PV AG without restrictions from wherever you are.

Even if the sales and consultation meetings are held online, we will not record any of the conversations.

Online consultations in travel agencies are only provided at your request and are not mandatory. For this purpose, you have the option of booking an online consultation at <https://reisebuero.oebb.at/> (registration for appointment). Registration generates an email that is delivered to the inbox of your selected branch.

In the event of an app date at the ticket counter, your registration will be sent by email to an internal central coordination unit for appointment management.

The following data is collected as part of the registration for an appointment at a travel agency: First and last name, e-mail address, telephone number, date on which an appointment is requested, requested branch, time window and comments. This data is used exclusively for online consultation and the sale of travel products.

The following data is collected as part of the registration for an appointment at a ticket counter: First and last name, e-mail address, telephone number, date on which an appointment is requested, requested counter, time window, type of operating system (Apple or Android), areas of interest and comments. This data is used exclusively for on-site consultation.

Legal basis: Article 6(1)(a) of the GDPR (consent of the data subject), Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

15. All you need to know about the ÖBB Vorzugspunkte programme

Selected data subjects have the opportunity to participate voluntarily and free of charge in the ÖBB Vorzugspunkte programme. As part of the ÖBB Vorzugspunkte programme, certain bookings made within an ÖBB account via relevant sales channels are rewarded with Vorzugspunkte and subsequently with rewards and a status, once defined Vorzugspunkte thresholds have been reached. The following link to the ÖBB Vorzugspunkte Board provides more detailed information: www.oebb.at/vorzugspunkte.

The ÖBB rewards are deposited in the data subject's ÖBB account by the controller. Rewards from external partners are stored on the ÖBB Vorzugspunkte Board and will be sent to you by email when you unsubscribe from the programme. The calculation and allocation of the Vorzugspunkte is based on the Vorzugspunkte logic as set out in the terms and conditions of participation or further information at www.oebb.at/vorzugspunkte. You can see the current number of Vorzugspunkte on the ÖBB Vorzugspunkte Board.

When registering for ÖBB Vorzugspunkte, you must accept the conditions of participation and give your consent to data processing. These can be accepted by clicking on the "Register with ÖBB account" button at www.oebb.at/vorzugspunkte.

Relevant information about ÖBB Vorzugspunkte will be sent to the ÖBB account or the ÖBB Vorzugspunkte Board by e-mail, SMS, post or push notification. This includes, in particular, the following information: Confirmation of my participation and/or termination of my participation, information on the crediting of rewards to my ÖBB account and updated information on the number of points, information on an upcoming deregistration from the programme; information on achieving Goldschiene status and provision of the associated benefits, information on technical errors or failures; information on new Vorzugspunkte rounds, notification of changes to the ÖBB Vorzugspunkte programme; information with promotional content, provided that you have also given your general consent to newsletters and Account++.

Premium customer service: For the benefit of premium telephone customer service offered as part of the 'Goldschiene' status, the telephone number stored in the ÖBB account is used for identification purposes. If the call is made from the registered telephone number and the caller has a valid 'Goldschiene' status, the call will be automatically prioritised.

Analyses are also carried out to derive measures for the further development of the system and the optimisation of the ÖBB Vorzugspunkte programme on the basis of aggregated data. This also includes examining which rewards are most popular with customers. Based on the rewards a data subject has redeemed, the subject of future rewards is assessed and sent so that the new rewards match the customer's preferences.

The following data is processed as part of the ÖBB Vorzugspunkte programme:

- Personal details (first and last name, date of birth, address and contact details);
- Access data;
- Registration data and data on acceptance/revocation of the terms and conditions of participation, including date and time, and acceptance/revocation of participation in the ÖBB Vorzugspunkte programme, including date and time;
- Data for granting additional consent (e.g. newsletter & Account+);
- All data relating to purchases, bookings, customer and time cards attributable to the data subject, including subsequent allocation of tickets and points (including Klimaticket);

- Discount, travel and reward data, including redemption details and purpose of use, as well as type, validity period and number of vouchers stored in the ÖBB account;
- Points/booking history including their expiry periods (open, credited, expired, cancelled);
- Difference to Goldschiene status;
- Difference to the next achievable reward;
- Information about rewards not yet received;
- Information on Goldschiene status benefits that have already been delivered but not yet received;
- Participant qualification (Goldschiene status yes/no, all rewards achieved yes/no);
- Information in the event of objections being raised;
- Usage data for the Vorzugspunkte Board;
- Device and browser information; and
- Communications received, including behavioural data of data subjects as part of the communication activity (click behaviour).

Regular data transfers to system partners for the provision of the ÖBB Vorzugspunkte programme are permitted:

ÖBB Business Competence Center	Lassallestraße 5, 1020 Vienna	General ÖBB IT service provider
ÖV Ticketshop GmbH	Am Hauptbahnhof 2, 1100 Vienna	Customer data and voucher management
Accenture GmbH	Schottenring 16, Börsegebäude, 1010 Vienna	Provision and development of the necessary programme logic
World-Direct eBusiness solutions GesmbH	Lassallestrasse 9, 1020 Vienna	Development of programme logic and technical operations management
Microsoft Ireland Operations Limited	70 Sir John Rogersons's Quay, Dublin 2, Ireland	Provision of a cloud service and provision of data to any sub-processors based in third countries As well as communication and provision of rewards

In addition, data may be transferred to defend legal claims or to comply with legal obligations, in particular to legal representatives, courts and authorities involved in the case.

The data processing in question is based on Article 6(1)(a) GDPR (consent) and the legitimate interests of the controller pursuant to Article 6(1)(f) GDPR, which consist of (1) the operation of active customer relationship management, (2) the operation of efficient marketing and the needs-based further development of the product portfolio.



Data subjects can withdraw their consent at any time. To do this, log on to the ÖBB Vorzugspunkte Board and use the “Cancel participation and declare revocation” button. If you decide to stop participating, it may take up to 48 hours for the cancellation to be reflected in any rewards credited. Rewards may be credited up to 48 hours after participation has ended.

Data must be retained for a period of 10 years for reasons of statutory accounting regulations (see Section 209 of the Federal Fiscal Code BAO) and is deleted as part of the implemented automated deletion routines at the end of the 11th year after data collection. In exceptional cases, the data may be kept for a longer period if the data is needed in the course of a legal or administrative dispute. We will retain your information regarding your declaration of consent for a period of 3 years from the date of revocation.

16. Direct marketing - General and personalised advertising offers

16.1. General and customised electronic offers

We use personal data in order to send you **general information, offers and recommendations as well as information, offers and recommendations tailored specifically to your mobility needs and user behaviour** or to have such information sent to you by our cooperating partners (customised offers). Furthermore, this data is used for the further development and optimisation of services relevant to customers. However, this is only the case if you grant your consent in advance to let us contact you by e-mail, telephone, SMS or other ÖBB channels (e.g. ÖBB account), in order to inform you in a timely manner about interesting offers, new developments and services.

Your **personal data will exclusively be used by us in both cases** and **not** transferred to cooperating partners or other affiliated companies.

Depending on the content of the consent granted by you, you will receive offers and other information from us concerning ÖBB-Personenverkehr AG (for example on general services, sweepstakes and customer surveys) and the ÖBB Group, i.e. including other affiliated companies (e.g. information on travel offers from Rail Tours Touristik GmbH or car sharing offers from Rail Equipment GmbH) or other cooperating partners.

16.2. Customised offers – profiling

If you wish to receive **customised** information and recommendations adapted to your needs (based on your previous purchasing and travel behaviour or your other personal preferences), we can forward these to you for:

- our products and services;
- current or individually tailored offers;
- vouchers;
- sweepstakes and campaigns;
- customer surveys,
- relevant services (in particular information on the ÖBB account and our apps);
- product and travel recommendations (including travel insurance and additional offers for tourists); or
- other customer loyalty activities, e.g. ÖBB Vorzugspunkte

The compilation of these contents is based on evaluation of the following data: first and last name, date of birth, address and contact data, details stored on your person regarding bookings, customer cards and season tickets, discounts, travel and voucher data, geodata, preferences and customer loyalty activities associated with you, device and browser information, including user behaviour assignable to you or data on any mobility preferences or restrictions.

Details on **booking data** include, for example, your selected travel date and time, the actual booking date, booked tickets or special additional offers for tourists, seat reservations, information on utilised offers or vouchers added to your account, information on the start and end station, the sales channel, selected timetable connections including intermediate stops, train types, wagon classes or compartments, information on booked night

or day trains, currency used, vehicle data, bicycles, accompanying dogs, information on booked pieces of luggage, as well as information on whether you are travelling alone, with other people or with a child (or children).

In order to provide you with customized information on **customer cards and season tickets**, we use details of valid/expired/extended customer cards, such as Vorteils card, Klimaticket and any SEPA mandates, as well as details of acquired season tickets, e.g. hourly passes, weekly passes, monthly passes.

By **discount data**, we mean your discounts used in buying tickets, such as indication of a Vorteils card, Klimaticket, city transport ticket, family pass, etc.

Travel data include information on already commenced or planned (booked) journeys, information on the duration of your journey, any delays, validation details regarding your ticket or your customer card, as well as details of such journeys referred to under booking data.

If (e.g. in the context of a campaign) a voucher was added to your ÖBB account, we will use such information to deliver reminders to you about its use, for example. Moreover, we will use the information once the voucher has been cashed, as well as details of the journey booked or the product purchased with such voucher.

Geo-data is used for what are known as location-based services (such as the Simply Go! feature, for example). Location-based services provide you with selective information by means of position-dependent data.

By **preferences assigned to you** we mean, for example, your connection favourites, your stored payment favourites, timetable connections stored by you (including other passengers, selected timetable filters, 1st class journeys, request for a seat reservation, journeys on specific weekdays).

Customer loyalty activities include information and further details on previously sent sales and campaigns, vouchers, sweepstakes, customer surveys (e.g. ÖBB Vorzugspunkte), recommendations and other information.

Device and browser information including user behaviour assignable to you includes information on your employed devices (computer, laptop, smartphone, etc.) with which you visit our websites and the associated web browsers (e.g. Internet Explorer, Firefox, Safari, etc.). This also includes information on whether you have downloaded and used the ÖBB App. Your assignable user behaviour includes, for example, details on the use of your ÖBB account with relevant devices and the ÖBB App (e.g. account creation details, settings implemented, such as e.g. gender and language, details of logins, added discounts and customer cards, deposited vouchers, ticket purchases and reservations, stored favourites, etc.). In addition, **technical information** (e.g. IP address, browser type and version, time of access by the visitor's computer) is collected in order to determine whether an e-mail has reached you, which e-mails you have opened when and which links in the e-mail you have accessed.

We use data on **any mobility preferences** or restrictions in order to offer you relevant information, recommendations and services in the event of you needing a wheelchair place or if a companion or service dog is travelling along, etc.

We use the technologies of Microsoft Customer Insights

([Customer Insights and Contact History | Microsoft Dynamics 365](#)), which act as our contract processors, to create and send out customised offers. The two aforementioned providers support us in the planning, implementation and analysis, especially in the technical implementation and handling of our measures, as follows:

- The technology used by our contract processors allows us to evaluate the use of our e-mail newsletters. Among other things, we receive information as to whether an e-mail has reached the recipient or has been rejected by the server. For the evaluation,

the software uses a so-called tracking pixel (web beacon), which is retrieved when the e-mail is opened. The analyses also include determining whether our newsletters are opened, when they are opened and which links were clicked. In the process, technical information (e.g. IP address, browser type and version, time of access by the visitor's computer) is collected. These evaluations help us to recognise our recipients' reading habits and to adapt our content to reflect these or to send different content in accordance with our recipients' interests.

This type of data processing also involves **profiling as per Article 4 No. 4 GDPR**, to the extent that it concerns the preparation and sending of customised offers.

Profiles are created about our customers, which

- allow conclusions on the probability of their future purchasing, booking and usage behaviour,
- allow for target group selections and aggregated or concrete evaluations regarding products and services.

Our general and customised offers can be sent by mail, e-mail, as a push message, in your ÖBB account or via other ÖBB channels.

This special form of processing is based on your consent in accordance with Article 6(1) a) GDPR, to the extent that we are entitled to carry out such data processing.

We use profiling methods to optimise and personalise our advertising measures.

Below, you will find information on the logic involved as well as on the scope and intended effects of these procedures.

- In order to optimise and personalise our advertising measures, we create customer profiles and use these customer profiles to assign customers to specific customer segments. Based on this segmentation, we can control the type, content and frequency of certain advertising measures for specific target groups.
- For profiling, we use data that we receive from you within the scope of our customer relationship, provided that you have given us your consent for "Newsletter and Account+". Address and contact data, purchase, booking and travel data, information on customer cards and season tickets, discount data, data on mobility preferences and usage data. Profiling can be based in particular on user profiles derived from usage data, which we create with the customer's consent by measuring and evaluating the customer's interaction with electronic advertising, in particular by measuring and evaluating the opening and click rate in e-mail newsletters.
- An important factor in the establishment of our customer segments is the so-called scoring, in which we evaluate customers according to scientifically recognised mathematical-statistical procedures based on aspects relevant to advertising.
- The scope and impact of customer segmentation based on profiling is limited to target-group-specific management of the type, content and frequency of our advertising measures and the level and value of potential incentives. This may result in you receiving or not receiving certain measures which may or may not be made available to other customers.

16.3. Special additional services and offers

You also have the opportunity to register for special offers and services, for example for the Nightjet newsletter, Scotty push service or information on usability tests.

Please note that any of these services which require separate consent must also be revoked separately. As a result, revocation of any individual consent does not apply automatically to all additionally submitted declarations of consent, but they must also be revoked separately.

16.4. Advertising sent by post

If we are aware of your address due to purchases and services, or we are allowed to buy it from third parties (e.g. from Österreichische Post AG), we can send you event-driven information, offers and recommendations by post. You can prevent the sending of such information at any time, by declaring your objection (see explanations below). Following receipt of an objection, we will no longer send you any other announcements.

Postal deliveries will also be made to our stakeholders at regular intervals, for example prior to the annual timetable change as well as ad-hoc for relevant subjects.

Please note that the annual invitation to renew the contract does not constitute a direct advertising measure. Based on existing contractual obligations (see our fare conditions [ÖBB Fares – Fare conditions](#)), we will also continue to send you this invitation to renew the contract, and even if you had exercised your right to objection, especially as such a consignment is not subject to the right of objection to direct marketing.

16.5. Revocation of granted consent and objection to direct marketing

If you no longer wish to be included in our direct marketing activities, you have the right to file an objection thereto (Article 21(2) and Article 22 GDPR) or to revoke your previously granted consent. The following options are available for you to make these declarations:

- If you have declared your consent electronically, you can then declare revocation under “Account & Settings / Newsletter and Account+” in the ÖBB account.
- In a newsletter, simply click on the unsubscribe link and we will stop sending you electronic mail in the future. It may take up to 48 hours for the activation of a revocation to be completed in the systems.
- In all other cases, please contact our ÖBB customer service using the contact form at www.oebb.at/kontakt.

If you have exercised your right and decided against any use of your personal data for advertising purposes (in particular direct advertising), in accordance with your request, you will not receive any information, offers and news and can no longer log onto your ÖBB account for our “Newsletter and Account+” service.

If at a later point in time you wish to reactivate our services in your ÖBB account under “Newsletter and Account+”, please contact our customer service.

16.6. Revocation of granted consent and objection to direct marketing

We process our customers’ personal data in order to continuously improve our offerings and services, ensure the quality of our customer data, better understand our customers’ needs, and further develop our products, services and customer communications in a targeted manner.

To the extent permitted under data protection law, this processing is carried out on the basis of our **legitimate interests in accordance with Article 6(1)(f) of the GDPR**. Our legitimate interests lie, in particular, in improving data quality, optimising our offering, further developing our products and services, and carrying out analyses and marketing

activities. To this end, we may carry out, amongst other things, segmentation, statistical analyses, customer value analyses (e.g. customer lifetime value calculations) and similar measures to improve our offerings and our approach to customers.

In addition, we process personal data for certain marketing purposes on the basis of your **consent in accordance with Article 6(1)(a) of the GDPR**, provided that such consent is required or the processing in question goes beyond the scope of measures based on legitimate interests. In these cases, processing takes place exclusively within the scope of and for the duration of the consent you have given. You may withdraw your consent at any time with effect for the future.

17. AI model testing

ÖBB-Personenverkehr AG uses AI technologies to record and analyse individual, selected enquiries as part of various project studies in customer service. The aim of the analysis is to determine whether different AI models can be used to address customer concerns more effectively.

It is ensured that selected requests are anonymised prior to analysis. Accordingly, no analysis of personal data is carried out. If you have any questions please contact datenschutz.personenverkehr@pv.oebb.at

ÖBB-Personenverkehr AG will again draw the attention of its customers to this fact when specific data is collected (e.g. when using the contact form).

18. Anonymised data analysis

Statistical analyses shall be conducted for the following purposes in particular:

- Are functions used regularly in our software? This allows us to check on whether specific functions are important for users of our website or app
- Which tickets are purchased? This allows us to check on whether our product portfolio meets the demands of our customers.
- Does navigation comply with the behaviour of software users? This allows us to check on whether we can design the purchase process in a way that is more agreeable for our customers.

We also create anonymised data analyses, in which we evaluate personal data and information about age, gender, region, postcode, products, driving, purchase and user behaviour, in order to draw conclusions on the development of new products and services or to improve our existing service portfolio.

Even if we store information about your person in the ticket shop, we will not conduct any personal analyses. We shall only use this information in anonymised form to identify any need for adjustment in our systems. This allows us to continually improve our applications and provide optimal support to our customers.

Legal basis: Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

19. Market and opinion research, customer surveys

Market and opinion research, customer surveys

In order to improve our products and services and adapt them to the needs of our customers, we conduct surveys with various target groups:

1. with persons who do not use the railway
2. with persons who use a railway company (regardless of which one) or
3. with persons who use ÖBB.

We use different methods for this:

1. We commission a **market research company** to carry out a survey.
2. We carry out the surveys ourselves, usually using an **online tool**, or
3. we or an independent third party conduct an **anonymous survey** on our passenger trains, or
4. a person takes advantage of the opportunity to participate in a survey via a **QR code** on a passenger train. Only in this case could a personal reference theoretically be established using reservation data and the seat number. However, we do not make use of this option by not including the seat number in our customer survey data. The data processed as part of the customer survey cannot therefore be traced back to an individual.

Persons to be surveyed can be selected either completely randomly or based on social statistics or usage-specific factors.

Contact with the participants is established in different ways:

1. Contact is made via the respondent pools of the commissioned market research company (in this case, the selection is made without our involvement and under the sole responsibility of the partner companies).
2. We invite interested persons in general, without individually addressing participation in the survey.
3. For certain survey topics, we also contact selected customers of ÖBB PV AG if they have given us their prior consent.

The survey results never contain any personal references. This is true even if we write to you directly as customer or you have declared your consent in advance to participate in a survey. We only receive or compile an overall evaluation of data, which do not show individual interviews or persons.

If we **address our customers directly**, we will then exclusively contact people who have given prior consent thereto.

Should we conduct the survey in cooperation with a market research company in specific cases, we shall conclude a separate confidentiality agreement with said company in advance of a customer survey, laying down the secure handling of your data specifically for the individual case. In particular, this agreement shall ensure that the company will not transfer your data to other market research institutions and other third parties for surveys for their own purposes.

Should we use our online survey tools, these are provided by two different data processors:

- enuvo GmbH, Huobstrasse 10, CH-8808 Pfäffikon SZ, <https://www.enuvo.ch>
- Questback Deutschland GmbH, Kurfürstendamm 30, 10719 Berlin.

We have instructed our aforementioned data processors to configure data protection-friendly default settings when using these two tools.

As far as **enuvo GmbH** is concerned, the following **default settings** have been applied:

1. The use of Google Analytics has been disabled.
2. IP addresses are collected in a privacy-friendly manner by not storing them in conjunction with the survey data. IP addresses are only stored temporarily in server log files. This is done for technical reasons to ensure the functionality and security of the survey tool. Server log files are routinely deleted within a few weeks.
3. Only session cookies and technically necessary cookies are used. These cookies are necessary for the continuous processing of survey participation and also to minimise the possibility of multiple participation.

In summary, the following data is collected **solely for the purposes of this survey**: IP address, browser user agent and session details (started, last updated, completed, duration, subject). **The above data will be deleted after a period of one year at the latest.**

As far as **Questback Deutschland GmbH** is concerned, the following **default settings** have been applied:

1. The use of Google Analytics has been disabled.
2. Your IP address will not be collected.
3. Information regarding the type and version of the browser used when responding to a survey is stored exclusively by the data processor and deleted by the data processor within 30 days at the latest.

You can **stop** participating in the survey at any time by closing the browser window. In this case, data will only be transmitted until you exit the survey.

In any case, you are never obliged to take part in any of our customer surveys.

Usability tests

If you apply as a test user, you can take part in usability tests conducted by our company for the further development and improvement of our ticket and timetable tools. Each test is subject to separate conditions of participation (see website). In this case, we will contact you as a possible test user and request your participation in future tests. Naturally, your participation in each individual test is voluntary.

You are entitled to revoke your consent at any time and declare that you no longer want to be contacted for further tests.

Customer surveys as part of CRM measures

Customers who have consented to receiving personalised offers in accordance with Section 16.2. [→ 61] will receive customer surveys on the design of these offers, among other things. These surveys may ask about specific voucher or content preferences, or customers' opinions on particular services. This disclosed information is used to enrich the relevant customer records and, if necessary, further communication measures are taken based on it. This information will be deleted after 18 months.

Legal basis: Article 6(1)(a) of the GDPR (consent of the data subject), Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

20. Cookies, web analysis and social media

Simply by accessing and using the ÖBB website and the chatbots, forms and other services embedded on the website, personal data will be **collected automatically to the extent strictly necessary for technical reasons** (namely the IP address and device information). In this case, data is processed on the basis of Article 6(1) f) GDPR (legitimate interest of ÖBB-PV AG, which consists in the provision of relevant customer information and the technical provision of the website) and, where applicable, on the basis of Article 6(1) b) GDPR, i.e. to process your request on a case-by-case basis.

20.1. Use of cookies

See the cookie guideline published on the ÖBB-Personenverkehr AG website (www.oebb.at).

20.2. PIWIK (Matomo) web analysis

See the cookie guideline published on the ÖBB-Personenverkehr AG website (www.oebb.at).

20.3. Social media

Social media plugins

We have embedded contents from external providers, such as Facebook, YouTube, Twitter, on individual websites or we may transfer you to the websites of external providers. We could not identify any legal violations at the time of linking. Should we become aware of any such infringement, we will remove the link with immediate effect. In order to be able to recommend and share content on social networks such as Facebook, Twitter and Google+, corresponding buttons are integrated into the platform.

These buttons only transfer data to external providers or other third parties if you press the corresponding button as participant. We have prevented an immediate transfer of data to external providers or other third parties in case of mere access to our websites. As a result, it is completely up to you to activate transfer in the individual case.

Sweepstakes on social media and in the customer magazine

If personal data are recorded by participants within the framework of a sweepstake on social media, they shall exclusively be collected, processed and used for the purposes of implementing the sweepstake, unless you have specifically granted your consent for the use of your personal data for other purposes, or use of data is required in the individual case for legal or other overriding reasons (thus for example in the event of a legal or other regulatory request or in the event of legal or regulatory disputes).

We will delete or anonymise collected and processed data following expiry of the statutory period of limitation (i.e. usually after three years have elapsed). The same applies to any messaging history in social media. We cannot assume any responsibility for the correctness, timeliness and completeness of data that you have disclosed personally. In your own interests, please therefore ensure that data disclosed by you are correct, up-to-date and complete.

Legal basis: Article 6(1)(a) of the GDPR (consent of the data subject), Article 6(1)(b) of the GDPR (processing is necessary for the performance of a contract or pre-contractual obligations) and Article 6(1)(f) of the GDPR (processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

21. Our quality measures

If you **contact us by e-mail with requests, suggestions or criticism**, we would also like to ensure that we have performed our service to your satisfaction. After replying to your concerns, we will therefore ask how satisfied you were with our service.

This constitutes an internal quality assurance measure. For reasons of objectivity and automated processing, we employ a processor for this purpose, to conduct this automated query on our behalf. In order to do so, we will exclusively hand over your e-mail address and customer number to the processor. We shall not provide this processor with the opportunity to inspect your data, to use your data for other purposes or to transfer them to third parties.

Before employing the processor, we have assured ourselves that it will provide a sufficient guarantee for lawful and secure use of data.

Legal basis: Article 6(1)(f) of the GDPR (processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party).

22. How we protect your data

22.1. General

For us, information security means:

- Confidentiality of data: Your data is only accessible to those who actually need it.
- Data integrity: We ensure that your data is accurate, complete and consistent.
- Data availability: We protect your data from accidental destruction or loss and ensure that it can be recovered in the event of an emergency.

To ensure information security, we have established organisational frameworks, such as checking the professional qualifications of our employees, as well as their trustworthiness and reliability. Technical measures also ensure the protection of personal data, including access controls, access monitoring and access restrictions.

Concrete technical protective measures are, in particular:

- Load distribution,
- Firewalls,
- Encryption,
- Security tests,
- System inspection and
- Constant monitoring.

Our employees are only granted access rights in accordance with their roles and to an extent that is absolutely necessary. The use of these access rights is recorded.

Your data is protected by a secure online connection (TLS) between your PC, tablet or smartphone and our servers, depending on the browser configuration, with at least 128 Bits.

Security measures for the system in the event of purchase on the ÖBB App or an online purchase were developed based on the following standards:

- ÖNORM A 7700 (standard for the security of web applications);
- PCI DSS (Payment Card Industry Data Security Standard); and
- ASVS (Application Security Verification Standard)
- ISO/IEC 27001 certification

The system therefore fulfils the security standards of the Application Verification Standard 2010 (ASVS) and was also tested by an independent expert. ASVS 2010 represents the leading current standard for IT security. Moreover, the ÖBB App was developed in accordance with requirements of data protection law and continually adjusted to new requirements.

In all our data processing activities, access and viewing rights to personal data have been structured in such a way that access and viewing are granted only to the extent strictly necessary in each case, in order to protect your privacy as effectively as possible.

22.2. Bot and spam protection

The protection of personal data is a key priority for ÖBB-Personenverkehr AG. We therefore implement appropriate technical and organisational measures to protect data from unauthorised access, accidental loss, misuse or unauthorised alteration. These measures are tailored to the relevant risks and are regularly reviewed and refined.

Our security measures include, in particular, measures to detect and defend against cyber attacks, security audits of applications and programme code, and regular tests to identify and rectify any potential vulnerabilities.

Access to personal data is restricted to those individuals who require it to carry out their duties. Authorisation and control frameworks help to ensure that access is traceable, restricted to specific purposes and limited to what is strictly necessary.

Internal procedures are in place for security-related incidents to ensure that the relevant departments can analyse and contain such incidents and take the necessary steps to resolve them.

Storage period

Where personal data is stored, it is retained for a maximum period of five months.

Legal basis under the GDPR

To the extent that data can be linked to individuals, the legal basis for the processing is the legitimate interest in protecting our websites from unauthorised access by bots, thereby providing spam protection and protection against attacks (e.g. mass queries), as well as in detecting fraud within the meaning of Article 6(1)(f) of the GDPR.

23. Use of data processors

By processors we mean our contractual partners, who process personal data on our behalf (example: maintenance of our databases).

We currently employ processors, including for the following activities:

- for customer card production and shipment thereof;
- provision of billing services
- for communication related to the contract renewal and the dispatch of other printed forms;
- for the implementation of quality measures and customer surveys;
- for ticket sales by cooperating partners distributing ÖBB tickets on our behalf;
- for individual products such as bicycle parking
- for the operation and maintenance of our customer databases; and
- for use in individual cases.

We only employ processors for our lawfully conducted data processing. We always assure ourselves in advance that the individual processor is suited to service performance, in particular that the processor provides a sufficient guarantee of secure and lawful use of data.

Processors that we have selected only receive personal data from us to the extent that is absolutely necessary.

Our processors have contractually undertaken:

- to solely use personal data for the purpose of the contract;
- To delete them after completion of the respective contract purpose,
- Not to forward data to third parties,
- not to use personal data for their own purposes; and
- to comply with new obligations under the General Data Protection Regulation (e.g. keeping a register of processing activities, conducting a data protection follow-up assessment as required, etc.).

Before employing a processor, we conclude a written agreement with the processor, in which special obligations are imposed on the processor and its employees, and they again are subject to a separate confidentiality obligation. We impose certain data security measures on the processor to ensure that customer data and data processing are adequately protected.

24. Note on the scope and consequences of incomplete data provision

We have provided you with comprehensive information on the purposes of our data processing, categories of data recipients, the legal basis and legal framework, the storage period as well as the rights you are entitled to and the scope of data processing. In all data processing, we have taken care to ensure that data collection and data scope are limited to the extent that is absolutely necessary. Therefore, if we ask you to provide data, this is necessary in particular so that:

- you can purchase a product or service from ÖBB-Personenverkehr AG, a partner under joint controllership or a cooperating partner (e.g. tickets, customer card, transfer service, timetable enquiry, mobility service, chatbot / ÖBB.Bot, WiFi provision, a bicycle or other services etc.);
- we can verify your eligibility (e.g. as part of validation, identification check for certain requests);
- you can assert your rights and other claims (e.g. passenger rights, assertion of any personal injury or damage to property, claims for reimbursement, etc.) or contact us with other concerns or complaints;
- we can contact you in the event of a breakdown or any other event or circumstance of importance to you;
- we can include you – provided you have given your consent in advance – in our direct advertising measures and data and web analyses, involve you in our quality assurance or customer surveys or enable you to participate in our loyalty points scheme,
- we can further develop our products and services for you
- we can improve the quality of our services (e.g. online contact forms, chatbots, the use of artificial intelligence)

If you do not, or do not fully, comply with our request for data disclosure, it cannot be guaranteed that we will be able to fulfil or process your aforementioned purchase, service or other request(s).