

## PRIVACY STATEMENT OF ÖBB PERSONENVERKEHR AG REGARDING VIDEO SURVEILLANCE

### 1. SCOPE OF APPLICATION

- 1.1 This Privacy Policy governs the processing of personal data in the course of video surveillance, which is conducted by the ÖBB-Personenverkehr AG (“**ÖBB-PV AG**” or “**we**”).
- 1.2 The processing of personal data by the ÖBB-PV AG as controller is strictly subject to the General Data Protection Regulation (“**GDPR**”) as well as the Austrian Data Protection Law 2018 (“**DSG**”). Insofar as ÖBB-PV AG trains are located on the territory of other EU Member States, the processing of personal data by ÖBB-PV AG may also be subject to the respective national data protection laws of these Member States. You can reach ÖBB-PV AG as the controller within the meaning of the GDPR by using the contact information provided under point 11.

### 2. DATA PROCESSING, PURPOSES AND LEGAL BASES

#### 2.1 Video surveillance

2.1.1 The ÖBB-PV AG processes video recordings in the areas listed under point 3 which are based on the legitimate interest (art. 6 sec. 1 lit. f) GDPR or § 12 DSG) or based on a statutory obligation or legal allowance (art. 6 sec. 1 lit. c) GDPR or § 12 DSG) on every day of the year around the clock for the following purposes:

- (a) ensuring the safety and order of railway operations and the operation of other systems and facilities of the responsible party (fulfilment of safety requirements);
- (b) protecting property (protecting passenger trains, including train equipment, installations and funds);
- (c) protecting and increasing the safety of passengers, employees and other persons concerned (particularly of customers and employees of ÖBB-PV AG);
- (d) preventing, containing and clarifying behaviour relevant in accordance with criminal and civil law (general prevention), insofar as the controller’s area of responsibility is affected;
- (e) preserving evidence in the case of an incident (i.e., in the case of danger, injuries or damage to persons or objects for the clarification of behaviour relevant in accordance with criminal and civil law);
- (f) processing of incidents pursuant to judicial issues and insurance law;
- (g) securing a basis of evidence for the investigation of internal incidents by ÖBB-PV AG and submitting legally required reports to the competent railway authority;
- (h) basic material for internal training courses in anonymized form.

- 2.1.2 The video recordings collect and store the following personal data pertaining to the data subjects:
- (a) Image data (appearance, behaviour) of the data subjects;
  - (b) place and time of the image recording,
  - (c) identity and role (offender, victim, witness, etc.) of the data subjects, insofar as recognizable from the recording.

### **3. AREAS OF APPLICATION OF VIDEO SURVEILLANCE SYSTEMS**

- 3.1 ÖBB-PV AG operates video surveillance systems in various areas of operation where travellers, employees, customers and their escorts can also enter the recording area.
- 3.2 ÖBB-PV AG operates video surveillance systems in the following areas/cases:
- (a) at ticket vending machines involving risks;
  - (b) situation-related use of mobile video surveillance to allow safety-critical situations to be documented by ÖBB-PV AG train crew staff (bodycams);
  - (c) at cash points and points of sale (cash desks) as well as on individual properties;
  - (d) on passenger trains in Austria and neighbouring countries that are served by ÖBB-PV AG passenger trains.

### **4. LOCATION OF THE VIDEO SURVEILLANCE SYSTEMS AND CAMERA ANGLE**

- 4.1 As a basic principle, every location of the individual video surveillance systems as well as the respective camera angle are strictly limited to what is absolutely necessary. Both comply with the security aspects required and to be observed in each individual case.
- 4.2 The video surveillance systems are located as follows:
- (a) Ticket vending machines: The recording range covers the groups of people required in each case (customers and potential attackers).
  - (b) Bodycams: The video surveillance devices are attached to our employees' uniforms so that they are clearly visible between the shoulder and chest area and thus record everything that happens in front of the employee.
  - (c) Cash points and points of sale (cash desks) as well as individual properties: The video surveillance devices are positioned so that customers are recorded from the front.
  - (d) Video surveillance systems in passenger trains: The individual video surveillance equipment is installed according to the type of train taking the structural and safety-related aspects of each individual case into consideration. The recording range includes the entire carriage area. In addition, the video surveillance devices installed on the outside of the train

record the platform area immediately adjacent to the passenger train for safety reasons and in order to identify people if an incident occurs.

## 5. PLACE OF DATA PROCESSING, SECURITY MEASURES AND ACCESS RIGHTS

- 5.1 The place of data processing (place of the recording) complies with the application of the respective video surveillance equipment. The recording/processing on storage media of the respective video surveillance equipment or on access secure proprietary servers takes place depending on the application and type of camera.
- 5.2 The video recordings are stored in an encrypted form. At the same time, this data can only be read out using a special readout software. Therefore, even in the case of unauthorized access, recordings cannot be viewed by unauthorized third parties.
- 5.3 Only employees of the intercompany data processor (refer to item 7.) are authorized to read out video recordings. These employees and those ÖBB-PV AG has tasked with managing the incident in individual cases have access to analyzed video recordings (the departments concerned are the Incident Investigation Department, the Legal Department and certain employees in the Sales Department and the Train Traffic Department). Analyzed video recordings are stored at storage locations with strict access restrictions. The analysis of the video recordings as well as access to them requires the prior setup of special system authorizations. All processes associated with the analysis of or access to video recordings are recorded/logged.

## 6. VIDEO SURVEILLANCE SIGNS

- 6.1 ÖBB-PV AG ensures that the data subjects can easily obtain knowledge of the video surveillance measures. To this end, pictograms have been placed at suitable locations to allow data subjects to avoid video surveillance in good time if desired:
- (a) Ticket vending machines: A pictogram is affixed directly to the ticket machine itself.
  - (b) Bodycams: Employees with a bodycam wear uniforms with a "Video" label or a pictogram. Bodycams do not record constantly but instead on a situation-related basis after prior notification. The data subject is also alerted to the ongoing recording by a red light on the bodycam and an acoustic signal.
  - (c) Cash points and points of sale (cash desks): The presence of a pictogram sign will depend on the local conditions. In any case, however, data subjects will be made aware before entering the cash points or points of sale.
  - (d) Video surveillance systems in passenger trains: Signs displaying a pictogram can be found on all train carriage entrance and exit doors, allowing the data subject to avoid the video surveillance in a timely manner.

6.2 The appearance of the pictogram indicating video surveillance measures is as follows:



## 7. PROCESSOR

7.1 ÖBB-PV AG transmits video recordings to the following data processors (art. 6 sec. 1 lit. f) GDPR):

### **ÖBB-Operative Services GmbH & Co KG**

Felberstraße 3a

1150 Vienna

Contact person: Roman Hahslinger

E-mail: [roman.hahslinger@mungos.at](mailto:roman.hahslinger@mungos.at)

The aforementioned data processor was set up as the central organizational unit responsible throughout the Group for implementing all security aspects and is responsible for the central testing of the safety-related requirements for video systems. This organizational unit is also responsible for the task of reviewing the requirements pertaining to proper data transfer to requesting authorities and other offices / third parties. Trained employees of the organizational unit only read out and store relevant video sequences in the case of a justified individual case. Therefore, data analysis, i.e. suspending the automatic overwriting of the database, only takes place in the case of a justified incident. At the same time, it is ensured that the evaluation sequence itself is reduced to the absolutely necessary extent and is only conducted by a very limited, particularly trained group of persons. All employees of this organizational unit are trained separately and bound to confidentiality according to § 6 DSG (art. 6 sec. 1 lit. f) GDPR).

Video recordings are only given to or remain with the data processor as long as there is a valid data processing agreement.

The tasks of persons authorized to process data: Analyzing video sequences in cases of justified incidents and providing the requesting office with the video material or data evaluations in objectively justified cases (in particular, bases of proof and defence of legal claims)

## 8. DATA TRANSFERS

8.1 Data analysis and transfer only takes place by the controllers' authorized and specifically trained employees and, if need be, by specifically trained data processors in the case of an objectively justified incident.

8.2 The video sequences that are limited to the absolutely necessary extent are, in the case of an incident, disclosed to the following categories of recipients:

- (a) The factually and locally competent domestic or foreign criminal court of law in the individual case for reasons of preserving evidence and defending legal claims in the case of an incident (art. 6 sec. 1 lit. c) or lit. f) GDPR);
- (b) the domestic or foreign National Security Authority to ensure security police purposes in the case of an incident (art. 6 sec. 1 lit. c) or lit. f) GDPR);

- (c) the factually and locally competent domestic or foreign civil court of law in the individual case for the purpose of securing evidence and defending legal claims in connection with issues pertaining to civil law in the case of an incident (art. 6 sec. 1 lit. c) or lit. f) GDPR);
- (d) insurance companies notified by the ÖBB-PV AG to process insurance claims in the case of an incident (art. 6 sec. 1 lit. c) or lit. f) GDPR);
- (e) the Federal Office of Transport (Department of the Federal Ministry of Transport, Innovation and Technology) – Federal Rail Accident Investigation Board or a comparable foreign railway authority in the event of an investigation (railway accident) (art. 6 sec. 1 lit. c) or lit. f) GDPR);

8.3 Video recordings are not transferred to third countries.

## 9. STORAGE PERIOD

9.1 The storage period of the video recordings depends on the purpose of the respective video system.

- (a) For ticket vending machines: 120 hours
- (b) For bodycams: 72 hours
- (c) For cash points and points of sale (cash desks): 120 hours
- (d) For video surveillance systems in passenger trains: for a period of 48 up to 120 hours. To complete the erasure of data, the vehicle must be in operation. If the process of erasure has not yet been completed when the vehicle is shut down, it will be completed automatically once the vehicle is restarted.

9.2 Where a storage period specified in point 9.1 exceeds a duration of 72 hours, it has been arranged in advance with the Austrian data protection authority for the respective processing purposes and authorized by the latter as part of a prior checking procedure.

9.3 Insofar as this is required to pursue or defend legal claims or comply with statutory retention obligations, we will store the video recordings longer than for the period mentioned in point 9.1.

## 10. YOUR RIGHTS

10.1 You are entitled to the following rights against the ÖBB-PV AG:

- (a) Right of access according to art. 15 GDPR regarding the personal data we process.
- (b) The right to rectification according to art. 16 GDPR, the right to erasure according to art. 17 GDPR and the right to restriction of processing according to art. 18 GDPR.
- (c) The right to object according to art. 21 GDPR.

- (d) The right to data portability according to art. 20 GDPR.
- (e) The right to lodge a complaint with the competent supervisory authority according to art. 77 GDPR:  
  
Austrian Data Protection Authority  
Barichgasse 40-42  
1030 Vienna  
Phone: +43 1 52 152-0  
Email: [dsb@dsb.gv.at](mailto:dsb@dsb.gv.at)
- (f) If you have given consent, you can revoke your consent to the processing of personal data at any time with future effect. Withdrawal of your consent will not affect the lawfulness of the data processing performed up to that point.

## 11. CONTROLLER OF DATA PROCESSING

### 11.1 Controller in terms of the GDPR is:

ÖBB-Personenverkehr AG (ÖBB-PV AG)  
FN 248742y  
Am Hauptbahnhof 2, 1100 Vienna  
Telephone: +43 1 93000 0  
Email: [piuca@samer.com](mailto:piuca@samer.com)  
Web: [www.oebb.at](http://www.oebb.at)

### 11.2 Data protection officer's contact information:

Am Hauptbahnhof 2, 1100 Vienna  
Email: [datenschutz.personenverkehr@pv.oebb.at](mailto:datenschutz.personenverkehr@pv.oebb.at)

### 11.3 If you send us an information request, please include a copy/scan of an official photo ID, ideally with your current home address and email address. You need to do this because we have to check your identity before responding to your information request or initiating the necessary action. In doing so, you help us ensure that unauthorized third parties do not obtain access to personal data (risk of abuse). As soon as we receive your information request and you have verified your identity, we will respond within four weeks. In the event that we have any questions in the course of responding, we will contact you and ask for your assistance.