



# DATA PRIVACY POLICY

**RTS Rail Transport Service GmbH**

*(hereinafter referred to as "RTS")*



## **PREAMBLE**

RTS Rail Transport Service GmbH with headquarters in 8055 Graz, Puchstraße 184 b and its branches (together known as RTS) places great importance on protecting the personal data of its contact persons for all business partners and employees. This is why RTS processes personal data in accordance with the applicable legal provisions for the protection of personal data and for data security.

## **I. SCOPE:**

**Material:** This directive regulates the handling and processing of personal data in RTS.

**Personal:** This directive applies to all employees of RTS as well as their partners, customers and suppliers and for any other persons who are integrated into the business operations of RTS.

**Temporal:** This directive enters into force on 25.5.2018 and stipulates the minimum standard for the processing of personal data.

## **II. PURPOSE OF THE DATA PROCESSING:**

RTS processes the personal data of employees, partners, customers and suppliers for the purpose of performing the business activity and fulfilling associated legal and contractual requirements.

- 1. Processing of the data of business partners:** RTS processes the personal data provided by interested parties, customers, suppliers and so on for the creation of offers and the execution of assignments as well as the fulfillment of associated contractual and legal obligations.
- 2. Applicants:** The contact details and application documents submitted in the course of an application are electronically processed by us for the purpose of selecting suitable candidates for an employment relationship. In the event of a rejection, beyond any legal retention obligations, the application documents are only kept if you consent to this.



### 3. Website & Google Analytics:

- a. IP address: When you visit our website, information is automatically stored on the web server. This includes the browser used, the operating system used, which page led you to our web presence, the IP address, the time of access and other information. From RTS's perspective, these data are pseudonymized and cannot be assigned to any specific person without further data sources.  
RTS does not analyze these data unless unlawful use of the website occurs.
- b. Google Analytics: This website uses the service "Google Analytics", which is provided by Google Inc. (1600 Amphitheatre Parkway Mountain View, CA 94043, USA), to analyze the use of the website by the users. The services uses "cookies" – text files that are stored on your device. As a rule, the information collected by the cookies is sent to a Google server in the USA and stored there.

On this website, IP anonymization is in effect. Within the member states of the EU and the European Economic Area, the IP addresses of the users are abbreviated. This abbreviation means that there is no personal connection to your IP address. In the context of the agreement on contract data processing, which the website operators have concluded with Google Inc., the latter uses the collected information to create an analysis of the website use and the website activity, and provides services related to the internet use.

You have the possibility to prevent the storage of cookies on your device by carrying out the according settings in your browser. It is not guaranteed that you will have unrestricted access to all functions of this website if your browser does not allow cookies.

In addition, you can use a browser plug-in to prevent the information collected by cookies (including your IP address) from being sent to and used by Google Inc. The following link takes you to the corresponding plug-in: <https://tools.google.com/dlpage/gaoptout?hl=de> [tools.google.com]

Alternatively, you can click on this link <http://tools.google.com/dlpage/gaoptout?hl=de> [tools.google.com] to prevent Google Analytics from gathering data about you within this website. Clicking on the link above downloads an "opt-out cookie". For this, therefore, your browser must generally allow the storage of cookies. If you delete your cookies regularly, it is necessary to click on the link again each time you visit this website.



You can find further information on data usage by Google Inc. here: <https://support.google.com/analytics/answer/6004245?hl=de> [support.google.com]

**c. Note regarding cookies**

When you visit our website, in accordance with the EU Cookie Directive, we point out that our website uses cookies. Cookies are small text files that are stored on your hard drive when you visit our website. Here, a distinction is made between

- “session cookies”, which, depending on the setting of your browser program, are automatically deleted again when you close the browser
- “permanent cookies”, which are stored with an expiration date and remain when you close the browser.

Once you have confirmed by clicking on OK, to prevent the note regarding the use of cookies from being shown every time you visit the website, a permanent cookie “cb-enabled” is stored for the duration of 365 days.

Furthermore, on our website we use so-called “session cookies” to facilitate the use of our web pages for you and to ensure the basic functions of the website.

These cookies do not call up any information stored on your hard drive regarding you, and do not impair your PC or your files. Most browsers are set up so that they automatically accept cookies. However, you can deactivate the storage of cookies or set your browser so that it indicates when cookies are sent.

You can delete cookies that are already on your computer at any time. The procedure for this varies depending on the browser; please take a look in your browser instructions (under “Help” in the browser menu).



### III. LEGAL BASIS FOR THE PROCESSING

According to the effective EU data protection regulations, a legal basis for the processing of your personal data must exist. The relevant applicable legal basis depends on the specific purposes described above for which your personal data are processed:

In certain cases, your consent is required in order to collect and process your personal data. If you grant your consent, you can later revoke this consent. Please note that the revocation of consent has no effect on the processing that has already taken place.

In other cases, the processing of your personal data may be necessary in order to comply with the applicable legal provisions and regulations or to fulfill a contract regarding these provisions and regulations.

In other cases, in turn, the processing of your personal data may occur due to legitimate interest, in order to communicate with you about our services.

### IV. PRINCIPLES OF THE PROCESSING OF PERSONAL DATA:

The processing of personal data at RTS is based on strict principles that regard the protection and the security of the data as well as the rights of the data subjects as the highest priorities.

**Legality & transparency:** The data processing occurs in a lawful manner and in good faith.

**Purpose limitation:** The data are collected and processed for specified, unambiguous and legitimate purposes. The processing of the data does not take place in a manner that is incompatible with these purposes.

**Data minimization:** Only the data that are absolutely necessary for the specified purposes are collected and processed. If it is possible for the fulfillment of the purpose and if the effort involved is reasonable, only anonymized data are used.

**Storage limitation and deletion:** Personal data are deleted as soon as the purpose for which they were originally collected ceases to exist and legal retention periods do not prevent the deletion. If legitimate interests in these data exist in the individual case,



these data continue to be stored until the legitimate interest has been clarified from a legal point of view.

**Data security:** Data secrecy applies to personal data. The data shall be handled confidentially and are protected from unauthorized access, unlawful manipulation or disclosure as well as from loss and destruction by adequate organizational and technical measures.

**Factual correctness:** Personal data shall be kept correct, complete and up to date. Adequate measures are taken to rectify out-of-date, incorrect or incomplete data.

#### **V. DATA TRANSMISSION:**

The transmission of personal data to recipients outside of RTS as well as recipients in EU third countries occurs only in accordance with valid laws and on a legal basis as well as under consideration of the utmost confidentiality and data security. We do not sell or lease any personal data to third parties for their own marketing purposes.

Personal data are transmitted to recipients within RTS for the fulfillment of legal requirements and the simplification of administrative activities across the group. Here, too, the transmission also occurs exclusively in compliance with the legal framework conditions.

The following categories of recipients exist in the sense of Art. 13 Para. 1 lit. e GDPR:

- Affiliates of the data controller
- Subcontractors, general contractors, suppliers
- Data processors, insofar as they require the data to carry out their respective services
- Authorities, public bodies and institutions
- Notaries, legal and tax advisors, collection service providers as well as experts on the establishment, exercise or defense of legal claims
- Auditing firms for the fulfillment of accountability obligations
- Insurance companies
- Credit and financial institutions or similar institutions
- Courts for the establishment, exercise or defense of legal claims
- Arbitration boards



## **VI. OBLIGATION TO OBSERVE DATA SECURITY**

All employees of RTS and the employees of the contractual partners are contractually obliged to secrecy and are regularly reminded of and trained regarding the secure handling of personal and other critical data.

## **VII. DATA SECURITY:**

The protection of the confidentiality, accessibility and integrity of data is an essential task of RTS. This applies equally to trade secrets, customer data, personal data and other critical information.

To this end, technical and organizational security measures according to the latest technology and internationally recognized best practices as well as security standards are established and continually improved.

## **VIII. DATA PROTECTION OFFICER:**

RTS does not need to appoint a data protection officer, since Article 37, Paragraph 1 of the EU GDPR does not apply. In recognition of the significance of data protection, RTS has decided to appoint a representative responsible for data protection. This representative is available as a point of contact for the data subjects and the data protection authority.



## **IX. RIGHTS OF THE DATA SUBJECTS:**

Every data subject whose data are processed by RTS has the possibility to invoke his or her own data subject rights and assert these with RTS at any time. To exercise your data subject rights, you may get in contact in writing via email at [datenschutz@rts-rail.com](mailto:datenschutz@rts-rail.com) at any time.

**Information:** Data subjects may request information at any time regarding which personal data of theirs are processed and what purposes this processing serves.

**Rectification:** Data subjects have the right to demand the immediate correction of incorrect personal data regarding them.

**Restriction:** Data subjects have the right to the restriction of the processing if the correctness of the data regarding them is under dispute, the processing is unlawful, the data are no longer required for the processing or the data subjects have objected to the processing.

**Revocation:** Data subjects have the right to file an objection against the processing of the personal data regarding them at any time.

**Portability:** Data subjects have the right to receive the personal data regarding them that they have made available to RTS in a structured, common and machine-readable format. In addition, they also have the right to request the transmission of these data to another data controller, insofar as this is technically feasible. Portability only applies to personal data that are processed with the help of automated procedures.

**Deletion - right to be forgotten:** The data subject has the right to the immediate deletion of the personal data regarding them if the legal basis for the processing of the data does not exist or lapses, the data processing is objected to, the data processing is unlawful and no legal retention periods make deletion impossible. With regard to the data subject rights, data security also has great importance, which is why the assertion of data subject rights is only possible after unequivocal identification of the data subject.



#### **X. CONTINUOUS MONITORING AND IMPROVEMENT:**

At RTS, the constant improvement of the quality and processes is of great significance. Defined processes exist for the continued enhancement of the quality, which has also been evidenced by certification in accordance with ISO 9001 for years now. Compliance with the directives concerning data protection as well as the effective legislation and the effectiveness of the measures taken for data protection and data security are continually measured and increased with the help of these processes, in order to ensure an optimum performance of these data protection measures.