

# PRIVACY POLICY INFORMATION

## HERBURGER BUSINESS TRAVEL GES.M.B.H.

1)	<b>Processing Activity</b>	<b>Management of passenger data and travel management<sup>1</sup></b>	
2)	<b>Data Controller</b>	<b>Herburger Business Travel GmbH (HBT)</b> Business address: Schwefel 25a, A-6850 Dornbirn Tel: +43 5572 90 80 30 E-mail: hbt@herburger-bt.at	
3)	<b>Purposes of Data Processing</b> • <b>On the legal basis of <u>fulfilling or preparing the contractual agreement</u></b>	a)	Travel organization for business travel management (Business travel), congresses, events und group travels
		b)	Travel organization for private and holiday travels
		c)	Organization of travel related services upon client request (e.g. residence permits – Visa, event organization, Checking of rights based on Regulation (EEC) No 295/91 for compensation and assistance to passengers)
		d)	Meeting individual requests for additional offers, recommendations and services of third-party providers
		e)	Risk management, observing caring duties <sup>2</sup>
		f)	Global travel management and reporting <sup>2</sup> (Data Generation in Global Distribution Systems – GDS)
		g)	Management of global Air travel program (e.g. PRISM) <sup>2</sup>
		h)	Dissemination of proprietary and third-party advertisements, directly or within online information offerings and products
		• <b>On the legal basis of a (overriding) <u>legitimate interest</u>:</b>	a)
	b)		Development of statistics and appraisals, and creation of internal reports
	c)		Familiarity with and managing the preferences of internal reports
	• <b>On the legal basis of (overriding) <u>legitimate interests of HBT for direct advertisement</u><sup>3</sup>:</b>	a)	Re-acquiring old customers and acquiring new customers
		b)	Gathering of user numbers for services for the purposes of documenting reach
		c)	Maintaining customer satisfaction and customer retention (by using profiling, see Point 8 and 9.)
		d)	Disseminating/playing advertisement for offers and services of HBT by use of direct advertisement („marketing purposes“) insofar as this is legally permissible
		e)	Analyzing user conduct and personal preferences of customers using organized of managed travels for targeted dissemination of advertisement with the goal of avoiding dispersion losses (by using profiling, see Point 8 and 9.)
		f)	Improving the services of HBT by conducting surveys and analyzing questionnaires, managing claims/complaints and offering the benefits of loyalty programs

<sup>1</sup> Any references to natural persons within this data protection policy which are only provided in the male form relate equally to both women and men. The gender-specific form is to be used when referring to specific natural persons. Customers refer to both consumers and entrepreneurs.

<sup>2</sup> In these cases the data subject or controller demonstrably commissions HBT to forward the travel data to distinct, given third parties and/or to use distinct tools for fulfilling the agreement.

<sup>3</sup> Direct advertisement is any direct addressing of data subjects for advertising purposes, such as for sending letters or brochures, as well as telephone calls or electronic messages.

	<ul style="list-style-type: none"> <li>• <b>On the basis of <u>legal obligation</u>:</b></li> </ul>	a)	Creating and storing legally-prescribed documents in observance of accounting principles
		b)	Sending PNR-Data to the Central office of passenger data for further processing according to regulation (EU) 2016/681
4)	<b>Changes to purpose (Forwarding)</b>	<b>Direct advertisement:</b> HBT hereby informs that it processes customers' personal data for the purposes of direct advertisement (incl. profiling). HBT intends to use direct advertisement to aid in the marketing of advertised (proprietary or third-party) services and products. <b>The data will not be passed onto any (non-group-affiliated) third parties for this purpose.</b> There is no incompatibility with the purpose of the original data collection.	
5)	<b>Objecting to processing for the purposes of direct advertisement:</b>	<b>The customer can object to the use of their personal data for direct advertisement (including "profiling") at any time without providing any reasons to the controller. By lodging an objection, HBT will no longer use the customer's personal detail for these purposes in future.</b>	
6)	<b>Legal basis of data processing</b>	<b>1) Management of passenger data and travel management: Fulfillment or preparation of the contract including travel related supplementary services</b> <b>2) Direct advertisement (incl. profiling): overriding legitimate interests of HBT (see Point 7.)</b> <b>3.) Legal obligation (Art. 6 Para. 1 GDPR)</b> <b>4.) Additional service: consent.</b> The controller explicitly solicits the customer's consent for individual services (electronic newsletter, transfer of the data into the marketing system). <b>This consent can be revoked at any time with future effect.</b>	
7)	<b>Description of the (overriding) legitimate interests for the purposes of direct advertisement:</b>	<p>HBT also processes customer data (however, not the data of children or special categories personal data within the meaning of Art. 9 GDPR ("sensitive data")) to use said data for the purposes of direct advertisement for (further) products of companies affiliated with HBT (see also Point 8.). HBT has a legitimate interest in processing personal data for the purposes of direct advertisement (Recital 47, last section of GDPR). This solely involves the processing of customer data in the possession of HBT from the contractual relationship and for which the retention period still applies. This does not involve an extension to the retention period. The primary goal of data processing is acquiring customers with the objective of bringing them into a (preliminary) contractual relationship and retaining them as customers. HBT relies on its constitutionally protected freedom of running a business (Art. 6 StGG (Austrian Constitution)) and freedom of communication (particularly Art. 10 ECHR, which also protects advertising measures), and on those rights</p> <ul style="list-style-type: none"> <li>• To send postal advertisement;</li> <li>• To make advertising calls following consent;</li> <li>• To send electronic mail following consent;</li> <li>• To send electronic mail in accordance with Section 107 Para. 3 of the Telecommunication Act (TKG);</li> </ul> <p><b>HBT complies with legal, communication-related requirements while using this data, particularly those of Section 107 TKG.</b></p>	
	<ul style="list-style-type: none"> <li>• <b>Data processing within the group:</b></li> </ul>	<p>HBT is part of a corporate group. HBT uses group-affiliated companies on a collaborative basis to fulfil its extensive obligations (processing bookings via a central booking system, payment systems, marketing, accounting, etc.). HBT has a legitimate interest therein (Recital 48 of GDPR). This particularly relates to the management of booking data from all group-affiliated companies performed via a central booking system. This database is maintained by HBT; data is saved and managed centrally. Units of group-affiliated companies have access to this database or personal data only for the purposes of contractual and legal fulfilment as well as to protect legitimate interests. These units have a contractual obligation to observe all applicable legal conditions for data protection.</p>	

	<ul style="list-style-type: none"> <li>IT security:</li> </ul>	<p>HBT saves the IP addresses of its customers for a period of 7 days in order to defend against targeted attacks in the form of overloading servers (denial of service attacks) and other damage to systems. HBT has a legitimate interest in this form of data processing for the purposes of maintaining the functionality of its services provided online (Recital 49 of GDPR).</p>	
8)	<b>Analyses of personal aspects of the customer ("profiling")</b>	<b>Type</b> "Gathering and storing"	<b>Description</b> HBT stores customer activities (e.g. travel data, flight data, travel destinations, information concerning the organization of congresses, events and group travels, complaints, special services, personal preferences, response to offers etc.) to enable optimal customer care and to ensure relevant and targeted measures can be used to improve satisfaction and customer retention, and to adjust the service on an individual basis.
		Analysis of personal interests	HBT stores customer behavior, special services, personal preferences, and thus deduces specific personal interests in order to prevent dispersion losses (and to minimize data processing operations) when playing advertising content and within direct marketing. HBT uses these analyzed interests in order to communicate targeted, interest-specific offers and advertising to customers and thus prevent dispersion loss in advertising.
9)	<b>Objecting to "profiling":</b>	<b>The customer can object to the use of their personal data for the purposes of profiling at any time without providing any reasons to the controller. By lodging an objection, HBT will no longer use the customer's personal data for the purpose of profiling in future.</b>	
10)	<b>Obligation to provide data</b>	Customers are under no obligation to provide data except to fulfil legal reporting obligations. Without the provision of data the contracted services cannot be provided.	
11)	<b>Automated decision-making</b>	The customer is not subject to <u>any</u> automated decision that has a legal effect upon them.	
12)	<b>Types of data processed</b>	<b>Disclosed mandatorily by the customer or a customer related third party (eg Company travel management)</b>	<b>Gathered by HBT additionally</b>
		Personal data (first and last name, maiden name, academic titles, date of birth)	Origin of data provided
		Contact details (Address(es), Telephone, Email address(es))	Additional services used
		Passenger booking-code	Preferences (e.g. eating/dietary habits)
		Booking data (booking, ticket issue, scheduled departure-arrival time)	Claims, complaints
		Flight ticket data (Flight ticket number, issue date, single flight, tariff display)	Travel agency details
		Nationality	Clerk
		Address(es)	Status of passenger travel (Travel confirmation, Check-in status, no show flights)
		Accompanying person	Split and shared passenger data
		Children	Seat number, other seat information
		Age of children	Code-Sharing data
			<b>Possibly gathered additional</b>

		<b>data (Advanced Passenger Information Data)<sup>3</sup></b>	as part of passenger data
		Type, number, issuing country, expiry date of identity documents	Accompanying airport personnel on arrival/departure
		Nationality	IP-addresses (Logfiles)
		Sex	End device data (device ID)
		Airline company	Browser used
		Day time of departure and arrival, airport of departure and arrival	
		Payment information (credit card details) including invoice address	
		Total route of travel	
		Driver license data	
		Frequent flyer data	
		<b>Data of unaccompanied minors (under 18 years of age)</b>	
		Languages, name and contact details of accompanying person at departure/arrival	
<b>13)</b>	<b>External recipients of data</b>	<b>Communication of electronic identification data to controllers:</b>	
		<b>Receiver</b>	<b>Data category</b>
		Google analytics, services of Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA („Google“)	<b>Anonymized</b> IP address, name of website, browser-specific information, information on website use
		<b>„Social-plug-ins“:</b> <b>Facebook Inc.</b> , 1 Hacker Way, 94025 Menlo Park, USA; <b>Twitter Inc.</b> , 1355 Market Street, Suite 900, San Francisco, CA 94103, USA <b>Instagram Inc.</b> , 1601 Willow Road, Menlo Park, CA, 94025, USA; <b>Pinterest, Inc.</b> , 808 Brannan St, San Francisco, CA 94103, USA <b>Youtube LLC</b> , headquarter in 901 Cherry Avenue, San Bruno, CA 94066, USA – represented by Google Inc. headquarterd in 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA.	IP-address, URLs, cookies and data on browser settings
		<b>Service Providers</b> (eg Hotels, Travel/car rental companies), <b>external ticketing platforms</b> und <b>booking agents</b> (GDS)	Category of data as mentioned in 12. insofar as data processing is necessary to perform contractual agreement (eg processing of reservation requests, Issuing of tickets, processing credit card payments and travel related services)

<sup>3</sup> Advance Passenger information data will only be gathered if necessary because of special immigration regulations (e.g. immigration USA).

14)	External data recipients	Group companies:	Categories of external commercial service providers:
		<b>BTU Business Travel Unlimited Reisebüro GesmbH</b> , Operngasse 2/2; A-1010 Vienna, Austria	Tax consultants/accountants
			Lawyers
			Banks and payment service providers, insurance companies
			Collection agencies
			Telecommunication providers
			External accounting platforms; booking agents
			Airline companies
			Car rental companies
			Hotel business companies
			Travel compensation companies
			Authorities in connection with residence permits
<b>Contact can be made with all group companies and commissioned data processors via HBT for all data protection queries.</b>			
15)	Transfer to third states	Data processing to third states outside EU (Data transfer to service providers, booking platforms – GDS) due to request of global travel management will only take place in case admissibility conditions stated in Chapter V GDPR, eg necessity to perform the contractual requirements, are fulfilled. The following data is transferred to third states outside the EU as part of data processing:	
		<b>Country</b>	<b>Application</b>
		USA (EU-US Privacy Shield)	Google Analytics
		USA (EU-US Privacy Shield)	Twitter, Youtube, Instagram, Facebook
		<b>Types of data</b>	
		<b>Anonymised</b> IP address, name of website, browser-specific information, information on website use	
		<b>Social plug-ins and Pixel:</b> IP address, name of website, browser-specific information, information on website use with opt-in.	
16)	Retention period	Due to the legal bases mentioned above, HBT generally continues to process guest data for <b>an additional 40 months following the end of the agreement</b> (= 36 months for potential contractual damage claims + max. 4 months to file suit) in a manner which is personally identifiable, and thereafter deletes the data (or at least the data which allows reference to be drawn to the data subject's identity). Personally-identifiable processing of invoice data is then performed until the statutory retention obligations have expired.	
17)	Customer rights	<b>Basis</b>	<b>Substance</b>
		Art. 15 GDPR "Right of access"	The customer has the right to obtain confirmation as to whether their personal data is being processed.
		Art. 16 GDPR "Rectification"	The customer has the right to have inaccurate or incomplete personal data rectified.
		Art. 17 GDPR "Erasure"	The customer has the right to demand the erasure of personal data without undue delay where one of the grounds stated under Art. 17 Para. 1 GDPR applies.

		Art. 18 GDPR "Restriction"	The customer has the right to demand that the processing of personal data is restricted where one of the grounds stated under Art. 18 Para. 1 GDPR applies.
		Art. 21 GDPR "Object"	<b>Objecting to profiling:</b> the customer has the right to lodge an objection at any time to the processing of their personal data for the purposes of profiling. <b>Objecting to direct advertisement:</b> the customer has the right to lodge an objection at any time to the processing of their personal data for the purposes of direct advertisement.
		Art. 20 GDPR "Data portability"	The customer has the right to receive their personal data in a structured, commonly used and machine-readable format.
18)	<b>Right to lodge a complaint</b>	Art. 77 GDPR Section 24 Austrian Personal Data Protection Act (DSG)	Every customer has the right to lodge a complaint with a supervisory authority if they consider that the processing of personal data relating to them infringes this regulation.
19)	<b>Supervisory authority</b>	<b>Austrian Data Protection Authority</b> Wickenburggasse 8, 1080 Vienna, Austria Telephone: +43 1 52 152-0 Email: dsb@dsb.gv.at Website: www.dsb.gv.at	
20)	<b>Status</b>	January 2019 / October 2020	