

## Privacy notice regarding the ProfiTicket in the Hamburger Verkehrsverbund (HVV)

You are only entitled to use the ProfiTicket as a participant in your employer's Corporate Client Subscription scheme (GKA) if you communicate your personal data to us as detailed below or authorise your employer to do so. In compliance with the statutory requirements we are therefore informing you here concerning how we will use your data and what rights you have as someone affected by our processing of your data.

## Responsible processing entities and purposes for which personal data may be processed according to the provisions of the Data Protection Law

Your personal data will be processed by your employer, by S-Bahn Hamburg GmbH (S-Bahn), Hammerbrookstraße 44, 20095 Hamburg as well as, under certain circumstances, by their sales partner(s) ACE-Wirtschaftsdienst GmbH (ACE), AGA Service GmbH (AGA) and INDUSTRIEVERBAND HAMBURG E.V. (IVH) and used for the purposes of fulfilling the contractual duties arising out of the contract for your ProfiTicket in the HVV as well as for advice and information purposes in connection with your ProfiTicket.

The responsible entities as defined by the Data Protection Law mentioned above will have contact with your personal data to different degrees, depending on their part in the division of roles and tasks regulated by their contractual relationship with the HVV.

The collection and processing of your data within the framework of the GKA will principally be done by your employer. They will pass on to S-Bahn your name, the date of issue and the number of your ticket. They will notify S-Bahn of any changes in your participation in the scheme (objections, termination of the right to participate, loss of the ProfiTicket, the circumstances of its loss, issue of a new ticket or replacement ticket). In the event that you receive a demand to pay the penalty fare for being found without a valid ticket, S-Bahn will pass on your customer data to the HVV transport company which checked you for the purpose of determining whether you were the holder of a valid ticket at the time you were checked. If S-Bahn reports that a third person has used your ticket, your employer will pass on your date of birth and your address to S-Bahn for the purpose of investigating the case. These data will also be passed on if you have failed to return your ProfiTicket despite the fact that you are no longer a participant in the scheme, in order to pursue any claims which S-Bahn may have arising out of the contract. In the event of any breaches of the contract or if there is suspicion of a criminal offence, the customer data will be passed on to the investigating authorities (e.g. the police, the transport police (Hochbahnwache) or DB Security). In order to simplify the transition from an all-year season ticket to the ProfiTicket, S-Bahn – if you so wish and if you hand in your season ticket to your employer – will register your season ticket data and pass these on to the relevant transport company (Hamburger Hochbahn, DB Vertrieb). Documents evidencing a claim for reimbursement of fare money, including medical certificates (see § 10 HVV-Gemeinschaftstarif) will be passed on to S-Bahn by your employer.

The sales partners of S-Bahn mentioned above assume responsibility for the administration, executory and advisory functions in the same scope described above for S-Bahn together with your employer for all matters in connection with your ProfiTicket in the framework of the "GKA extra" scheme for small businesses.

## Recipients of personal data

The responsible entities mentioned above (data controllers) use the services of different categories of processors to carry out the processing of data for the purposes listed above. These include processors (service providers) for the printing of the personalised ProfiTickets, for the maintenance of the hardware and software needed and for the provision of storage capacity.

## Legal basis for data processing

The legal basis for the processing of your personal data as described above is Article 6 Par 1 (b) (Contract Processing), Article 6 Par 1 (f) (Overriding Legitimate Interest) and Article 6 Par 1 (a) (Consent) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation - GDPR). Until 25.05.2018, when this comes into force, the corresponding regulations of the German Data Protection Law will form the legal basis.

## Period of storage of personal data

Your data will only be stored for the period of time necessary to fulfil the purpose for which they were collected or are needed or if this is prescribed by law. In the present case this means that your data will be stored until the complete termination of the contractual agreement on your participation in the GKA scheme. In this context older data, e.g. concerning already settled billing transactions, will remain stored in order to comply with legal retention periods, but will be archived and removed in this way from direct access. Even after the termination of your contractual relationship with S-Bahn, your data will remain archived for the legally prescribed retention period of 10 years and will be destroyed on the expiry of this.

## Your rights as user (data subject)

In compliance with the legal requirements incumbent upon us, we will inform you on request whether and, if so, which personal data concerning you are stored by S-Bahn (Right to be Informed/Right of Access). In addition to this you can notify us of incorrect data to have it corrected (Right to Rectification) or have data whose storage is inadmissible or no longer needed deleted (Right to Erasure). In addition, under certain circumstances you are entitled to require that the processing of your personal data be restricted (Right to Restriction of Processing) as well as to object to the processing of your data if and when such processing takes place on the legal basis of Overriding Legitimate Interest (Article 6 Par 1 (f) GDPR), or for the performance of a task carried out in the public interest (Article 6 Par 1 (e) GDPR) or to revoke your Consent (Article 6 Par 1 (a) GDPR) (Right to Object). In particular, you can object at any time to your personal data being used for advertising purposes or for market research or opinion polling (Right to Object to Data being used for Advertising). You can further require in principle that personal data applying to you are kept in a structured, conventional and machine-readable format in order to be able to transmit them without difficulty to another data controller. (Right of Data Portability).

The rights described above are guaranteed to you under Articles 15 – 21 of the EU Regulation 2016/679 (GDPR), but are only presented here in very abridged form for reasons of space. If you have questions regarding the exact scope of the rights described and how to exercise them, you can get in touch with the Data Protection Officer given below and/or the Hamburg Representative for Data Protection and Freedom of Information. You are entitled to lodge a complaint with the Hamburg Representative for Data Protection and Freedom of Information if you consider this necessary. In this context, please see the Section on "Right of Appeal".

## Contact data for the company Data Protection Officer

If you have questions concerning the processing of your personal data and/or how to exercise your rights as a user (data subject), you can get in touch directly with the responsible company Data Protection Officer.

Please only use the following contact data for questions and enquiries dealing with the subject of data protection:

The entity responsible for data processing is S-Bahn Hamburg GmbH, Hammerbrookstraße 44, 20097 Hamburg

The appointed Data Protection Officer is Frau Chris Newiger, Potsdamer Platz 2, 10785 Berlin, e-mail: [datenschutz.regio@deutschebahn.com](mailto:datenschutz.regio@deutschebahn.com)

You can also address any questions you may have about data protection to the S-Bahn Corporate Client Subscription advisory service:

Tel. 040/3918 - 3900

e-mail: [hvv-profiticket@deutschebahn.com](mailto:hvv-profiticket@deutschebahn.com)

Giving the details of the appointed company Data Protection Officer of S-Bahn should not be construed as signifying that the entity represented by this Data Protection Officer is solely responsible for data protection. Designating a particular named Data Protection Officer is done purely to facilitate communication in order to make it easier for you to exercise your rights. It has no effect for the duties and responsibilities of the individual responsible entities (data controllers) arising out of the type and scope of the actual data processing (see above).

## Your right of appeal

As a data subject you have the right, without prejudice to any other administrative or judicial legal remedy, to lodge a complaint with the competent supervisory authority if you are of the opinion that the processing of the personal data concerning you infringes the EU Regulation 2016/679 (GDPR) or, pending this coming into force as of 25.05.2018, the German Data Protection Law (BDSG).

The competent authority for data protection in connection with the HVV all-year season ticket subscription on the HVV Card is the

Hamburg Representative for Data Protection and Freedom of Information

Prof. Dr. Johannes Caspar

Klosterwall 6 (Block C), 20095 Hamburg

Tel.: 040/428 54 - 4040

Fax: 040/428 54 - 4000

e-mail: [mailbox@datenschutz.hamburg.de](mailto:mailbox@datenschutz.hamburg.de)