



METRANS (Danubia) Kreams GmbH., Karl-Mierka-Strasse 7-9, A 3500 Kreams an der Donau

## INFORMATION ON PERSONAL DATA PROCESSING by METRANS (Danubia) Kreams

Pursuant to the EU regulation governing processing of natural persons' data (General Data Protection Regulation, abbr. GDPR) data subjects have to be informed on basic principles of personal data processing within our company. All relevant information is therefore in this document for your convenience.

### 1. WHO PROCESSES YOUR PERSONAL DATA?

Primarily, your personal data are processed by our company being a controller, i.e. subject which determines the purposes and means of the processing of your personal data.

**The controller** is **METRANS (Danubia) Kreams GmbH**, having its registered seat at Karl-Mierka-Straße 7-9, 3500 Kreams an der Donau, Austria, (hereinafter referred to as „**METRANS**“).

Our main business activity includes all-inclusive just-in-time intermodal rail-road transportation services operating own shuttle trains with cargo in maritime - deep sea and short sea, reefer, tank and special containers to / from the Czech Republic, Slovakia, Hungary, Slovenia, connecting this territory by rail with major European ports.

Furthermore, your personal data may be processed by our **processors** which do so on our behalf and pursuant to our instructions. Basically, among these processors may be found technical and IT service providers, external accountant, personal, legal or other consulting service providers, headhunting companies, providers of delivery, operational services and enforcement of receivables. Specific providers and services provided may be subject to change according to actual needs of our company. Your personal data may also be processed by companies within METRANS group if such processing is necessary for purpose of IT system administration as well as for due performance of our contractual obligations.

Your personal data may under certain circumstances be provided to other subjects which process your personal data on their own behalf. Generally, this group of processors include state authorities and public institutions processing personal data on the basis of applicable law, as well as companies within METRANS group mainly for internal administration, accounting, tax and other purposes.

### 2. FOR WHAT PURPOSES ARE YOUR PERSONAL DATA PROCESSED?

Our primary aim is to secure due and timely logistics and transport of goods to our business partners together with other relevant services.

Please, be assured that your personal data are processed to the extent necessary for the given purpose and only for such purpose of processing.

METRANS (Danubia) Kreams GmbH. | HHLA Group Member

Karl-Mierka-Strasse 7-9, A 3500 Kreams an der Donau, **Telefon:** +43 2732 81760, **Fax:** +43 2732 81761, **Internet:** [www.metrans.at](http://www.metrans.at), **Email:** [metrans@metrans.sk](mailto:metrans@metrans.sk), **Register:** Firmenbuch des LG Kreams an der Donau unter FN 37473h, **Geschäftsführer:** Peter Kiss, Peter Sirofák, **UID-Nr.:** ATU18549809 **Steuer-Nr.:** 259/1446 **Bank Verbindung:** Bank Austria AG (BLZ 12000), **Konto-Nr.:** 31314101400, **Swift:** BKAUATWW, **IBAN** AT17 1200 0313 1410 1400.

Your personal data are obtained and processed if you are our business partner or customer or our business partner's or customer's proxy, employee or you act on their behalf in other position, i.e. for purposes of our contractual obligations performance towards our business partners or customers.

We also process personal data of our employees for purpose of their employment as such processing is stipulated by law and employment contract under which we also have additional obligations towards our employees; if you are a work applicant in our company, processing of your personal data is necessary for listing you in our applicant's registry and recruitment process; if you enter our premises, processing of your personal data is necessary for protection of our property and securing safety within our premises including monitoring of technologic and operational situation on container terminals, for purposes of collecting documentary evidence for public authorities in terms of investigation of accidents and other extraordinary situations, for performance of our statutory duties (notification and information duties, documenting condition of containers on entry and exit of our premises), etc.

On the basis of your consent your personal data are processed also for purposes of contacting you with marketing messages if such consent has been given to us. Please, be assured that absence of such consent, however, has no negative impact on our legal relations and neither service shall be refused nor any inconvenience or disadvantage shall be incurred to you.

### 3. ON WHAT LEGAL BASIS ARE YOUR PERSONAL DATA PROCESSED AND FOR HOW LONG?

Data Subject	Legal basis of processing	Term of processing
<p><b>Members of statutory body, employees or other authorised persons of our business partner / our customers</b></p>	<ul style="list-style-type: none"> <li>- performance of a contract towards our customers / business partners (transport of goods, its due delivery, potential complaint process, etc.)</li> <li>- performance of our statutory duties</li> <li>- our legitimate interest on exercise / defence of our rights and claims</li> </ul>	<ul style="list-style-type: none"> <li>- for a term of existence of the commercial contract</li> <li>- following termination of the contract we store personal data for a period stipulated by law for accounting and tax purposes,</li> <li>- for purposes of exercise / defence of our claims from the contract or in connection with the contract</li> <li>- however, no longer than for 15 years following termination of the contract and settlement of all relevant claims (unless a longer period is set out by law)</li> </ul>
<p><b>Work applicants</b></p>	<ul style="list-style-type: none"> <li>- performance of obligations within prior-to-contract relation (recruitment process)</li> </ul>	<ul style="list-style-type: none"> <li>- for duration of a recruitment process</li> <li>- personal data are stored in our registry of applicants for 3 years</li> </ul>

	<ul style="list-style-type: none"> <li>- our legitimate interest on maintenance of registry of job applicants for purposes of future contacting of applicants in case of vacant work position by which a continuous performance of our business activity is secured</li> </ul>	<p>following their receiving or for 3 years following termination of the recruitment process if you were unsuccessful</p>
<p><b>Persons entering our premises</b></p>	<ul style="list-style-type: none"> <li>- our legitimate interest on securing safety within our premises and protection of our property</li> <li>- performance of statutory duties</li> </ul>	<ul style="list-style-type: none"> <li>- camera records are stored for 3 working days.</li> <li>- guest book records are stored for 6 months</li> </ul>
<p><b>Persons to whom marketing commercial messages are sent</b> (via e-mail, via phone or post) together with further potential information regarding our business activity</p>	<ul style="list-style-type: none"> <li>- consent with sending such marketing messages</li> </ul>	<ul style="list-style-type: none"> <li>- consent is given for the period of existence of our business relation if we already are business partners and further for a period of 7 years following termination of our relation; in other case the consent is given for a period of 7 years</li> <li>- for a period stipulated by law if we are by virtue of law obliged to store your personal data for such period</li> </ul>
<p><b>Our employees</b></p>	<ul style="list-style-type: none"> <li>- performance of obligations under employment contract</li> <li>- performance of employer's statutory duties</li> <li>- our legitimate interest on securing safety within our premises and protection of our property, etc.</li> </ul>	<ul style="list-style-type: none"> <li>- for duration of employment relationship, periods stipulated by law, etc.</li> <li>- all necessary and detailed information shall be provided to our employees prior to conclusion of an employment contract.</li> </ul>

#### 4. WHAT ARE YOUR RIGHTS?

##### A) Right to withdraw consent

As the data subject (i.e. natural person whose personal data are processed) you have the right to withdraw any of the consents given to METRANS at any time.

##### B) Right of access by the data subject

As the data subject you have the right to obtain from METRANS as the controller confirmation as to whether or not personal data concerning yourself are being processed, and, where that is the case, access to the personal data and further information regarding processing.

##### C) Right to rectification

As the data subject you have the right to obtain from METRANS as the controller without undue delay the rectification of inaccurate personal data concerning yourself. Taking into account the purposes of the processing, you have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

##### D) Right to restriction of processing

As the data subject you have the right to obtain from METRANS as the controller restriction of processing of your personal data where one of the applies: (a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data; (b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead; (c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims; (d) the data subject has objected to processing based on the controller's legitimate interest pending the verification whether the legitimate grounds of the controller override those of the data subject.

Where processing has been restricted, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the European Union or of a EU Member State.

METRANS as the controller shall inform the data subject who has obtained restriction of processing before the restriction of processing is lifted.

##### E) Right to data portability

As the data subject you have the right to receive the personal data concerning yourself, which you have provided to METRANS as the controller, in a structured, commonly used and machine-readable format and have the right to

transmit those data to another controller without hindrance from METRANS, where: (a) the processing is based on consent or on a contract; and (b) the processing is carried out by automated means.

In exercising his or her right to data portability, as the data subject you have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

This right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The right to portability shall not adversely affect the rights and freedoms of others.

#### F) Right to erasure

As the data subject you have the right to obtain from METRANS as the controller the erasure of personal data concerning yourself without undue delay and the controller has the obligation to erase personal data without undue delay where one of the following grounds applies:

- (a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- (b) the data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing;
- (c) the data subject objects to the processing based on the controller's legitimate interest and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing based on the controller's legitimate interest for purposes of direct marketing;
- (d) the personal data have been unlawfully processed;
- (e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject.

#### G) Right to be forgotten

Where the controller has made the personal data public and is obliged to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

#### H) Right to object to processing of personal data

If your personal data are processed on the basis of **legitimate interest, you have the right to object** to such processing. After filing such object we are not allowed to longer process your personal data unless we demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

## How do we reply to your request?

METRANS as the controller shall reply to requests filed by the data subjects free of charge. Where requests from the data subjects are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either:

(a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or

(b) refuse to act on the request.

METRANS as the controller shall provide information on action taken on your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. METRANS as the controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.

### I) Right to be represented

As the data subject you have the right to mandate a not-for-profit body, organisation or association which has been properly constituted in accordance with the law of a EU Member State, has statutory objectives which are in the public interest, and is active in the field of the protection of data subjects' rights and freedoms with regard to the protection of your personal data to lodge the complaint on your behalf, to exercise the above rights on your behalf, and to exercise the right to receive compensation due to breach of GDPR where such representation is provided for by Member State law.

### J) Right to lodge a complaint with a Supervisory Authority

If you take a view that your personal data breach has occurred whilst processed by our company, you have the right to lodge a complaint with the Supervisory Authority (below) on your own or via proxy:

Österreichische Datenschutzbehörde (Austrian Data Protection Office)

Wickenburggasse 8

1080 Wien

[dsb@dsb.gv.at](mailto:dsb@dsb.gv.at)

Find more information on the Office's website <https://www.dsb.gv.at/>.

You have a right to file a complaint also to office for personal data protection situated in EU member state of your habitual residence or your workplace (hereinafter as „Supervisory Authority“).

The Supervisory Authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy.

## 5. HOW CAN YOU EXERCISE YOUR GDPR RIGHTS?

- By an e-mail sent to [gdpr@metrans.sk](mailto:gdpr@metrans.sk)
- By a post or personally on the following address: **METRANS (Danubia) Krems GmbH**, having its registered seat at Karl-Mierka-Straße 7-9, 3500 Krems an der Donau, Austria.