



## Freiburger Verkehrs AG

### Privacy Policy in accordance with Art. 13 of the General Data Protection Regulation (GDPR) for the Complaint Management Tool

#### I. Name and address of the controller

The controller within the meaning of the General Data Protection Regulation and other national data protection laws of the member states as well as other data protection provisions is:

*Freiburger Verkehrs AG  
Vorstand: Stephan Bartosch, Oliver Benz  
Besanconallee 99  
79111 Freiburg*

*Mail: [vag@vagfr.de](mailto:vag@vagfr.de)  
Phone: 0761 / 4511-0  
Fax: 0761 / 4511-139*

You can reach our data protection officer at:

*Freiburger Verkehrs AG  
Datenschutzbeauftragter  
Besanconallee 99  
79111 Freiburg*

*Mail: [datenschutz@vagfr.de](mailto:datenschutz@vagfr.de)  
Phone.: 0761 / 4511 651*

#### II. Data processing in connection with the provision of the complaint management tool

##### 1. Scope of data processing

Each time the complaint management tool is accessed, our system automatically records the following data and information from the computer system of the accessing computer:

1. Partially anonymized IP address
2. Device
3. Operating system
4. Internet browser
5. Reference and exit pages
6. Date/time stamp

The data is also stored in the log files of our system on servers in the EU to ensure the functionality of the tool and the security of our information technology systems. An analysis of the data or a storage of this data together with other personal data of the users does not take place in this context.

The data is deleted as soon as it is no longer required to achieve the purpose for which it was collected. In the case of storage of the data in log files, this is the case at the latest after 14 days.

Partial anonymisation means that the IP addresses are collected when the page is called up, but only at the level of the proxy server to ensure system security and without any allocation to individual users of the complaint management tool of the controller. The IP addresses will only be stored in osapiens' systems for the duration specified above and will not be passed on to the controller.

An assignment of these IP addresses to specific users is also not immediately possible for osapiens and is only carried out if there is an improper use of the complaint management tool, for example in the form of a cyber-attack, and it must be traced from which IP address this improper use originated.

## **2. Legal basis and purpose of data processing**

The legal basis for the collection of the data and its temporary storage in log files is Art. 6 para. 1 lit. f GDPR. Access to the above information by the system is necessary to enable delivery of the tool to the users' computers. These purposes are also our legitimate interest in the processing of the data according to Art. 6 para. 1 lit. f GDPR.

## **3. Possibility of objection and removal**

The collection of the above mentioned data for the provision of the tool and the storage of the data in log files is mandatory for the functionality of the tool. Consequently, there is no possibility for the user to object to this processing of data.

#### 4. Use of cookies

Our tool uses only technically necessary cookies to make the tool usable, as it cannot function properly without these cookies. In these purposes also lies our necessary legitimate interest in processing the personal data on the basis of Art. 6 para. 1 lit. f GDPR.

The following cookies are used:

Name	Provider	Purpose	Procedure	Type
SESSION	Osapiens	Website functionality	Deleted after 5 days	Technically necessary

### III. Complaint's account

#### 1. Scope and purpose of data processing

Within the tool, users have the option of voluntarily creating a complainant's account in order to be able to place and manage complaints in an easy manner. However, this is not a prerequisite for submitting a complaint.

If no account is created, only the personal data described in Section II.1. will be collected when a complaint is submitted under the conditions described there.

In the course of creating this account, at least a password and a pseudonym to be chosen by the user itself are required. Optionally and on a voluntary basis, users can enter their first and last name and also enter an e-mail address if they wish to receive notifications in connection with the processing of their complaint.

#### 2. Legal basis, retention period, removal option

The legal basis for the processing of the personal data in the course of the account creation is the consent of the users pursuant to Art. 6 para. 1 lit. a GDPR. This consent can be withdrawn at any time without giving reasons and without any disadvantages for the users. Personal data will then no longer be processed on this basis. The lawfulness of the processing until the withdrawal of the consent is not affected by this.

The personal data of the users, which was collected in the course of the creation of the account, will be stored until the users decide to delete the existing account, which is at the same time the withdrawal of consent. In this case, the data relating to the account will be deleted immediately. However, this has no effect on the

storage of data that may have already been submitted to us in the course of the filing of complaints.

#### **IV. Data processing in connection with the complaint**

##### **1. Scope and purpose of the processing of personal data**

In the context of entering and processing complaints in the complaint management tool, we process all data provided to us in the context of such complaints.

We process this data for the purpose of investigating reports in order to prevent, detect and/or follow up on violations of applicable law or company policies (such as taking steps to verify the validity of the allegations made in the report and, if necessary, to take action against the reported violation).

##### **2. Legal basis**

The processing of personal data is based on the following legal bases:

1. We only process information on the identity of the complainant insofar as they have given us their consent to do so in accordance with Art. 6 para. 1 lit. a GDPR by providing us with this data of their own initiative.
2. We process information on employee status, information on data subjects and other information that allows conclusions to be drawn about natural persons on the basis of Art. 6 para. 1 lit. f GDPR. Our legitimate interest required for this - depending on the specific individual case to be examined - is the processing of notifications in order to be able to carry out follow-up measures, such as measures to check the validity of the allegations made in the notification and, if necessary, to take action against the reported infringement. Whether interests or fundamental rights and freedoms of the data subject override this legitimate interest will be assessed on a case-by-case basis, including with regard to the breach.
3. We may process personal data of employees on the basis of Section 26 para. 1 Sentence 2 German Federal Data Protection Act (Bundesdatenschutzgesetz – “BDSG”) (necessity of data processing for the detection of criminal acts).

### **3. Delation of data and retention period**

As a rule, data is stored until the follow-up measures resulting from the report have been completed. Depending on the facts against which the report is directed, additional special laws may be applicable, which may contain additional retention obligations.

## **V. Recipients of personal data**

### **1. Data related to the complaint management tool**

For the provision of this tool, we work together with osapiens Services GmbH ("osapiens"), Julius-Hatry- Straße 1, 68163 Mannheim, Germany. This company developed the complaint management tool and hosts it for us. Therefore, osapiens may access the personal data described in this privacy policy.

osapiens acts as a data processor for us. A data processing agreement required pursuant to Art. 28 para. 3 GDPR has been concluded. osapiens was obligated to maintain confidentiality and also to process those personal data that arise under our controllership when using the complaint management tool only in accordance with our instructions.

### **2. Data from the complaint**

Personal data is only transferred to third parties if there is a legal basis for doing so. This is particularly the case if the transfer serves the fulfillment of legal requirements according to which we are obligated to provide information, report or pass on data, if you have given us your consent to do so or if a balancing of interests justifies the transfer.

Such a balancing of interests becomes necessary, for example, if a person named in a complaint requests information pursuant to Art. 15 GDPR about his or her personal data processed by us, including information about the source from which we collected this data. At this point, the interest of the data subject in receiving this information must be weighed against the interest of a whistleblower in staying anonymous. The interest of the data subject generally prevails if the whistleblower intentionally or grossly negligently reports incorrect information about violations.

Depending on the focus of the complaint and for the effective initiation of follow-up measures, the personal data may be passed on to the responsible departments within our company. Under certain circumstances, we may also disclose the personal data to state security and/or law enforcement authorities, other competent authorities and/or persons bound to secrecy, such as auditors/lawyers.

## **VI. No obligation to provide data**

There is no legal or contractual obligation for users to provide us with personal data via this tool, as a complaint or incident report is made on a voluntary basis.

However, we would like to point out that the personal data described in section II.1. is collected as soon as the tool is accessed from the Internet, as this is the only way to deliver the page to the accessing computer.

## **VII. Data subject rights**

If personal data of users is processed, they are data subjects within the meaning of the GDPR and are entitled to the following rights towards us as the controller if the legal requirements are met:

1. Right of access (Art. 15 GDPR)
2. Right to rectification (Art. 16 GDPR)
3. Right to erasure (Art. 17 GDPR)
4. Right to restriction of processing (Art. 18 GDPR)
5. Right to data portability (Art. 20 GDPR)
6. Right to withdraw consent under data protection law (Art. 7 para. GDPR)

Pursuant to Art. 21 GDPR, users have the right to object at any time, on grounds relating to their particular situation, to the processing of personal data relating to them which is carried out on the basis of Art. 6 para. 1 lit. e or f GDPR; this also applies to profiling based on these provisions.

We as the controller shall then no longer process the personal data relating to the users unless we can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the users, or the processing serves to establish, exercise or defend legal claims.

Without prejudice to any other administrative or judicial remedy, users have the right to lodge a complaint with a supervisory authority pursuant to Art. 77 GDPR



if they consider that the processing of personal data concerning them infringes the GDPR.