



INFORMATION ON PERSONAL DATA PROCESSING¹

ČD - Telematika a.s., company registration number: 61459445, with its registered office at Pernerova 2819/2a, 130 00 Prague 3, registered in the Commercial Register kept by the Municipal Court in Prague, Section B, File 8938 (hereinafter referred to as "ČD - Telematika"), as the personal data controller, hereby **informs you about personal data processing**, including the scope of the rights of data subjects relating to the processing of their personal data.

ČD - Telematika processes personal data in accordance with the law of the European Union, in particular with the Regulation of the European Parliament and of the Council (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter referred to as the "GDPR"), and in accordance with the relevant national legislation, in particular, Act No. 101/2000 Coll., on the Protection of Personal Data and on Amendments to Certain Acts, as amended (hereinafter referred to as the "Personal Data Protection Act" or "PDPA").

Basic Information on Personal Data Processing:

ČD - Telematika only processes accurate personal data it has obtained in accordance with the GDPR and the PDPA, and these personal data are only collected and processed by ČD - Telematika for the specified purpose, to the extent and for the period of time necessary for the fulfilment of the specified purpose.

Sources of Personal Data and their Voluntary Provision:

Personal data are acquired by ČD - Telematika directly and only from data subjects.

If ČD - Telematika processes personal data in connection with an agreement, then the provision of personal data is necessary for entering into the agreement (identification of the parties, Service provision, payment identification, etc.). In the case of failure to provide the data necessary for the performance of the agreement and Service provision, it will not be possible to enter into an agreement at all. You can always decide on a voluntary basis whether or not you wish to enter into an agreement or use the Service.

If ČD - Telematika processes personal data in order to fulfil legal obligations or to protect its legitimate interests, you are obliged to provide the personal data. We always only ask for the data needed to meet the defined purpose and the specified obligations.

If the processing is based on your consent, the provision of your personal data is entirely voluntary.

Period of Personal Data Processing:

ČD - Telematika processes personal data from the date of the transfer, for the period strictly necessary to ensure the rights and obligations arising from both the contractual relationship and the relevant legal regulations. This period is determined by the time limits specified in the relevant contractual documents (hereinafter referred to as the "Agreement"), in the regulations for document management and shredding and in the relevant legislation.

ČD - Telematika usually retains personal data until one year after the termination of rights and claims arising from the agreement entered into elapses, unless a different period of personal data retention is stipulated by special legislation, such as Act No. 563/1991 Coll., on accounting, as amended (hereinafter referred to as the "Accounting Act"), Act No. 499/2004 Coll., on archiving and records management, as amended, and Act No. 235/2004 Coll., on value-added tax, as amended (hereinafter referred to as the "VAT Act").

Act No. 127/2005 Coll., on electronic communications and on amendments to certain acts, as amended (hereinafter referred to as the "Electronic Communications Act"), also requires that ČD - Telematika, as a provider of electronic communications services, retains, pursuant to Section 97 of the Electronic Communications Act, the traffic and location data that are generated or processed in the course of the provision of its public communications networks and the provision of its publicly available electronic communications services for a period of six months.

Purposes of Processing Personal Data by ČD - Telematika:

- **the processing of personal data is necessary for compliance with the legal obligations of ČD - Telematika**
ČD - Telematika collects and processes personal data for the purposes of fulfilling obligations stipulated by special legislation, e.g. the Electronic Communications Act, the Accounting Act, and the VAT Act, etc.

¹ This Information on Personal Data Processing is an Annex to the Framework Service Provision Agreement and is referred to by the ČD - Telematika a.s. General Terms and Conditions of Service Provision.

- **personal data processing is necessary for negotiations on the entry into or modification of an agreement to which the data subject is a party and for the subsequent performance of the agreement**

ČD - Telematika collects and processes personal data to the extent necessary for the entry into or modification of a particular agreement. Here, the disclosure of personal data by the data subject is voluntary, but at the same time, the disclosure of such personal data is a prerequisite for the entry into or modification of the agreement or, more precisely, for the provision of the agreed Services.

- **ensuring and providing a Service**

In these cases, the personal data are processed in order to ensure or provide the relevant Service and to handle the Subscriber's requests, claims or complaints, including sending commercial communications to the Subscriber.

- **personal data processing is necessary for protecting the rights and legitimate interests of the controller, the recipient or other persons concerned**

ČD - Telematika particularly collects and processes personal data in order to protect its legitimate interests as a company providing a public fixed communications network pursuant to the Electronic Communications Act (e.g. information on persons entering the premises with elements of the public fixed electronic communications network, sending commercial communications, or references for public contracts), and in order to protect the interests of other entities (e.g. the technology of customers and suppliers on the premises of ČD - Telematika).

- **protection of property and persons, and security of important elements of the public communications network**

In order to ensure the security of persons and the protection of the property of ČD - Telematika and its Subscribers, CCTV security camera systems which can be used for personal data processing are installed in some areas of ČD - Telematika. Areas covered by the camera system are always marked on the particular place with an appropriate information sign. This purpose is a legitimate interest of ČD - Telematika.

- **monitoring telephone calls**

In the event that a data subject communicates with ČD - Telematika by phone through the ČD - Telematika Customer Centre, this phone call can be recorded for the above specified reasons and for the purposes of improving the quality of Services, objectivity, provability and security.

- **exercise or defence of legal claims**

ČD - Telematika may also use personal data to the extent necessary in order to protect, enforce or defend rights in judicial or administrative proceedings. This purpose of processing is a legitimate interest of ČD - Telematika.

Scope of Personal Data Processing by ČD - Telematika:

ČD - Telematika processes personal data in the following scope:

- identification data: title, name, surname, date of birth and identity card number;
- address information: permanent or temporary residence, delivery or other contact address, telephone number and email address;
- other personal information: bank account number and other personal data arising from the particular agreement or from law and obtained for the above purposes from telephone communication with the data subject;
- data on the use of Services: payment details and bank details;
- traffic and location data: data generated in the provision of electronic communications services pursuant to the Electronic Communications Act;
- voice recording (in the case of contact through the ČD - Telematika Customer Centre if the call is recorded);
- camera recordings (in the case of movement on the premises of ČD - Telematika covered by the camera system);
- information for the registration of legal rights applied pursuant to the GDPR;
- other data whose processing is imposed on ČD - Telematika by the legislation of the Czech Republic or the European Union.

Processors and Recipients:

- To ensure the purposes described above, personal data may also be processed – in addition to ČD - Telematika and its employees – by ČD - Telematika's processors on the basis of personal data processing contracts entered into in accordance with the GDPR and the Personal Data Protection Act. ČD - Telematika requires the same technical and organisational security of personal data from the personal data processors as that guaranteed by itself. Processors are

We want to be the first choice for communication infrastructure services and transport telematics solution | www.cdt.cz

entitled to handle the transmitted data solely for the purposes of performing the activity which has been entrusted to it by ČD - Telematika.

- ČD - Telematika informs you that, based on a lawful request, personal data may be transmitted to third parties which have the legal authority to request the transfer of the personal data concerned (e.g. state administration authorities, supervisory authorities, courts, executors, notaries, insolvency administrators or law enforcement authorities).
- ČD - Telematika transfers personal data to other entities if it is necessary for the protection of their rights and interests and only to the extent necessary for successfully exercising or defending rights (e.g. a legal representative, insurance company, bank court, or executor).
- ČD - Telematika informs you that personal data may also be transferred to other recipients (e.g. transfer of personal data to non-EU countries). In these cases, ČD - Telematika requires the same level of protection of personal data from its business partners as it guarantees itself. Should personal data be transferred to non-EU countries, ČD - Telematika declares that it will only admit the transfer if an adequate guarantee is provided and on condition that the enforceable rights of the data subject and his/her effective legal protection are available.

ČD - Telematika's Personal Data Protection Includes in Particular:

- suppliers or providers of Services,
- other persons related to the entry into, administration and archiving of an agreement and related documents, or recipients of services in connection with the fulfilment of contractual or legal obligations of ČD - Telematika (e.g. providers of IT services and applications, legal representatives, marketing agencies or auditors),

ČD - Telematika processes personal data manually and automatically pursuant to the Electronic Communications Act within the scope of traffic and location data. The protection of personal data is technically and organisationally ensured by ČD - Telematika in accordance with the GDPR and the Personal Data Protection Act. ČD - Telematika secures these personal data using all appropriate technical and organisational measures to ensure the highest possible level of protection, taking into account the nature, scope and purposes of the processing and the likely risks. This means in particular that we have such security and control mechanisms in place so as to prevent unauthorised access to or transfer of data, their loss, destruction or other possible abuse. ČD - Telematika also requires the same security from personal data processors.

ČD - Telematika informs you that, based on a lawful request, personal data may be transmitted to third parties which have the legal authority to request the transmission of the personal data concerned.

Rights of Data Subjects

In accordance with the GDPR and the Personal Data Protection Act, data subjects have the following rights:

- **to information and explanation**
ČD - Telematika is obliged to provide data subjects with the information referred to in this document in a brief, transparent and comprehensible manner. If any provision of this policy is not clear or completely comprehensible to data subjects, they are entitled to contact the ČD - Telematika Data Protection Officer (see below) with a request for an explanation/additional information.
- **to information about the processing of their personal data for a purpose other than the above**
- **to information as to whether, based on their personal data, automated decision-making occurs, and if so, the entitlement to be informed of the procedure, meaning and consequences of such processing having an impact on them**
- **to withdraw granted consent to personal data processing at any time**
In cases where personal data are processed on the basis of consent given by data subjects, the data subjects have the right to withdraw this consent at any time. The granting of consent is entirely voluntary. If a data subject withdraws consent, this shall not affect processing activities that have already taken place at the time when the data were validly provided, processing activities that ČD - Telematika is obliged to undertake due to the previously granted consent, and processing activities already performed (e.g. due to the registration of granted and withdrawn consent, compliance with legal obligations or the protection of its legitimate interests). The withdrawal of consent is free of charge and data subjects can withdraw their consent in the following ways:
 - (i) in the same way that the consent was granted by the data subject or
 - (ii) by sending an email or a letter to the ČD - Telematika Data Protection Officer (see below).
- **to access their personal data**

We want to be the first choice for communication infrastructure services and transport telematics solution | www.cdt.cz

Data subjects have the right to an overview of which personal data relating to them are being processed by ČD - Telematika. They have the right to request information about whether or not their personal data are being processed by ČD - Telematika and all related information to the extent required by Article 15 of GDPR.² In the cases specified in the GDPR, ČD - Telematika will also provide data subjects with a copy of the processed personal data.

Implementation of the right to access personal data must not affect the rights of other persons.

In order to ensure that this right is not abused by another person and to prevent ČD - Telematika from submitting any personal data of data subjects to an unauthorised person, ČD - Telematika is obliged to verify the identity of the person who exercises the right of access (for identity authentication methods, see below).

- **to object**

If ČD - Telematika processes personal data in order to protect the legitimate interests of itself or a third party, data subjects have the right to object to such processing. ČD - Telematika is obliged to evaluate whether the processing is necessary for the establishment, enforcement or defence of legal claims of ČD - Telematika, or whether even after an objection, the interest of ČD - Telematika prevails over the interest of a data subjects' privacy. Until this has been evaluated, data subjects shall have the right to restricting the processing of their data by ČD - Telematika.

If ČD - Telematika processes personal data for direct marketing purposes without the consent of a data subject, the data subject may object to such personal data processing at any time, and ČD - Telematika will no longer process his/her personal data for direct marketing purposes. Data subjects may also exercise this right by way of technical tools (unsubscribing from commercial communications).

- **to rectification or completion of personal data**

If a data subject considers that ČD - Telematika is processing inaccurate data about his/her person, the data subject shall have the right to notify ČD - Telematika and request a correction or completion. At the same time, the data subject may ask ČD - Telematika to restrict the processing of his/her data until it verifies their accuracy.

- **to erasure of personal data (“the right to be forgotten”)**

Data subjects have the right to request that ČD - Telematika erase their personal data if at least one of the following conditions is met:

- : the personal data are no longer needed for the purposes for which they were collected or otherwise processed,
- : a data subject withdraws consent and there are no other legal grounds for the processing,
- : a data subject objects to the processing and there are no overriding legitimate grounds for the processing,
- : personal data have been unlawfully processed,
- : personal data have to be erased for compliance with a legal obligation,
- : personal data have been collected in relation to an offer of information society services.

Instead of erasure, data subjects may request that ČD - Telematika simply restrict the use of their data.

Pursuant to Article 17(3) of the GDPR, ČD - Telematika may not erase the requested personal data if the processing is necessary:

- : for the establishment, enforcement or defence of legal claims of ČD - Telematika,
- : for exercising the right of freedom of expression and information,
- : for compliance with a legal obligation imposed on ČD - Telematika by the legislation of the Czech Republic or the EU,
- : for the performance of a task performed in the public interest with which ČD - Telematika has been entrusted,
- : for reasons of public interest in the area of public health when processing for the purposes of preventive or occupational medicine, etc.³
- : for archiving purposes in the public interest, for statistical purposes or for the purposes of scientific and historical research, if erasure would seriously impair the achievement of these objectives.⁴

- **to data portability**

Applicable legislation guarantees data subjects the right to obtain personal data from ČD - Telematika which they have provided to it while using its Services, in a structured, commonly used and machine-readable format. Such data may be

² ČD - Telematika will inform data subjects about the categories of personal data that it processes, the purposes of processing, the categories of recipients to whom the personal data may be made available, the planned duration of data processing, information on the source of these data, information on their rights, and information on whether automated decision-making is taking place.

³ Article 9(2)(h) and (i) and Article 9(3) of the GDPR.

⁴ In accordance with Article 89(1) of the GDPR.

transmitted to the data subjects or another controller if they so request and if it is technically feasible. This right may be exercised if the reason for the processing is the consent of a data subject, the performance of an agreement or the use of a Service from ČD - Telematika and, at the same time, the processing is performed automatically.

The implementation of this right must not adversely affect the rights and freedoms of other persons. This right cannot be exercised if the personal data of a data subject are processed for the performance of a task undertaken in the public interest if it has been assigned to ČD - Telematika.

- **to restriction of the handling of personal data**

Applicable legislation guarantees that data subjects have the right to restrict the handling of their data by ČD - Telematika:

- : if a data subject requests the rectification or supplementation of data, until the accuracy of the data is verified,
- : if a data subject only requests the restriction of processing instead of erasure,
- : if ČD - Telematika no longer needs the data itself, but the data subject needs them to defend his/her claims,
- : if a data subject has objects to processing, until it is verified whether the processing is necessary for the establishment, enforcement or defence of legal claims of ČD - Telematika, or whether the interest of ČD - Telematika prevails over the data subject's privacy protection interest even after the objection.

Restriction means that a data subject's personal data shall only be stored and cannot be normally handled as before, i.e., they can be handled only with the data subject's consent, for the establishment, enforcement or defence of legal claims, for the protection of the rights of another natural or legal person, or for reasons of important public interest of the Union or of a Member State.

If a data subject exercises this right, ČD - Telematika shall be obliged to inform him/her if the restriction of processing is to be lifted.

- **to lodge a complaint with the supervisory authority – the Office for Personal Data Protection**

If a data subject disagrees with the way in which ČD - Telematika is processing his/her personal data or disagrees with ČD - Telematika's approach, he/she may, at any time, lodge a complaint with the supervisory authority, i.e.

Office for Personal Data Protection
(Úřad pro ochranu osobních údajů)

postal address: Pplk. Sochora 27, 170 00 Prague 7

phone: 234 665 111

email: posta@uouu.cz

web: www.uouu.cz

(hereinafter referred to as the "Office for Personal Data Protection")

Handling a Data Subject's Objections and Requests

ČD - Telematika will provide notification in response to a request of a data subject in accordance with his/her above specified rights free of charge and without undue delay, but within no more than thirty days of receipt of the request. This period may be extended by a maximum of two months, and the data subject will be informed of this fact in advance. The information will be provided to the data subject in the same manner in which the data subject has requested it. ČD - Telematika is entitled to refuse a request or to demand a fee for the associated administrative costs if the data subject's request is obviously unfounded or inadequate.

ČD - Telematika can only satisfy requests or objections if it has no doubts about the identity of the person submitting the request or objection. It is necessary to ensure that rights are not abused by other persons and the data subject's personal data are not unduly submitted to an unauthorised person. For this reason, ČD - Telematika shall verify the identity of the applicant either by requesting additional information to confirm the applicant's identity or the submission of a request or objection with an officially authenticated signature. In the case of a verbal request or objection made at a branch of ČD - Telematika, the data subject's proof of identity will be required by presenting an identity card.

Contact Details for Obtaining Information and Handling Requests:

Data Protection Officer (DPO)

(Pověřenec pro ochranu osobních údajů)

Pod Táborem 369/8a

190 00 Prague 9

e-mail: dpo@cdt.cz

We want to be the first choice for communication infrastructure services and transport telematics solution | www.cdt.cz

ČD - Telematika shall always inform the data subjects about the settlement of their request without delay. Data subjects have the right to contact the Office for Personal Data Protection with a suggestion or complaint at any time.

Definitions of Basic Terms:

- **personal data** – personal data means any information relating to an identified or identifiable data subject; a data subject is considered to be identified or identifiable if the data subject can be identified directly or indirectly (i.e. by using other data available to the controller);
- **data subject** – a data subject is a natural person to whom the personal data are related;
- **controller** – a controller is an entity who determines the purpose and means of personal data processing, performs the processing and is liable for it;
- **processor** – a processor is an entity who processes personal data under special legislation or the authorisation of the controller;
- **recipient** – a recipient is any entity to which the personal data are disclosed; an entity who processes personal data is not regarded as a recipient;
- **processing of personal data** – the processing of personal data is an operation or set of operations which the controller or processor systematically performs with personal data by automated or other means; processing of personal data means, in particular, collection, storage on information media, disclosure, adaptation or alteration, retrieval, use, transmission, dissemination, publishing, storage, exchange, classification or combination, and restriction or disposal.

This Information on Personal Data Processing takes effect on 25 May 2018.

We want to be the first choice for communication infrastructure services and transport telematics solution | www.cdt.cz