

# PRIVACY POLICY

## Fuschlseecrossing by Hotel Jakob

### **§ 1 General**

Your personal data (e.g., title, name, address, email address, phone number) will only be processed by us in accordance with the provisions of Austrian data protection law and the data protection law of the European Union (EU). The following provisions inform you about the nature, scope, and purpose of the collection, processing, and use of personal data.

### **§ 2 Security**

Hotel Jakob takes all necessary technical and organizational security measures to protect your personal data from loss and misuse. Your data is stored in a secure operating environment that is not accessible to the public. If you wish to contact us via email, please note that the confidentiality of the transmitted information is not guaranteed. The content of emails can be viewed by third parties. Therefore, we recommend that you send confidential information to us exclusively by regular mail.

### **§ 3 Rights of the Data Subject**

If your personal data is processed, you are a data subject within the meaning of the GDPR, and you have the following rights against the data controller:

#### **1. Right to Information**

You have the right to request confirmation from the data controller as to whether personal data concerning you is being processed. If such processing is taking place, you can request the following information from the data controller:

- (1) the purposes for which the personal data is being processed;
- (2) the categories of personal data being processed;
- (3) the recipients or categories of recipients to whom the personal data concerning you has been or will be disclosed;
- (4) the planned duration of storage of the personal data concerning you or, if specific information is not possible, criteria for determining the storage period;
- (5) the existence of the right to rectification or erasure of personal data concerning you, the right to restriction of processing by the data controller, or the right to object to such processing;
- (6) the right to lodge a complaint with a supervisory authority;
- (7) all available information on the origin of the data, if the personal data concerning you has not been collected from you;
- (8) the existence of automated decision-making, including profiling, in accordance with Article 22(1) and (4) of the GDPR and – at least in these cases – meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject. You have the right to request information on whether the personal data concerning you is transferred to a third country or to an international organization. In this context, you can request to be informed about the appropriate safeguards pursuant to Article 46 of the GDPR in connection with the transfer.

#### **2. Right to Rectification**

You have the right to request the rectification and/or completion of your personal data from the data controller, insofar as the processed personal data concerning you is incorrect or incomplete. The data controller must carry out the rectification immediately.

#### **3. Right to Restriction of Processing**

Under the following conditions, you can request the restriction of the processing of your personal data:

(1) If you dispute the accuracy of the personal data concerning you for a period that allows the data controller to verify the accuracy of the personal data;

(2) the processing is unlawful, and you oppose the erasure of the personal data and request the restriction of their use instead;

(3) the data controller no longer needs the personal data for the purposes of processing, but you require them for the establishment, exercise, or defense of legal claims, or

(4) if you have objected to processing pursuant to Article 21(1) of the GDPR, pending the verification whether the legitimate grounds of the data controller override yours. When processing of the personal data concerning you has been restricted, such data – apart from being stored – may only be processed with your consent or for the establishment, exercise, or defense 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 Union or of a Member State. If processing is restricted according to the above conditions, you will be informed by the data controller before the restriction is lifted.

#### **4. Right to Erasure**

##### **(a) Obligation to Erase**

You can request the data controller to erase the personal data concerning you without undue delay, and the data controller is obliged to erase this data without undue delay if one of the following reasons applies:

- (1) The personal data concerning you are no longer necessary for the purposes for which they were collected or otherwise processed.
- (2) You withdraw your consent on which the processing was based according to Article 6(1) (a) or Article 9(2)(a) of the GDPR, and there is no other legal basis for the processing.
- (3) You object to the processing pursuant to Article 21(1) of the GDPR, and there are no overriding legitimate grounds for the processing, or you object to the processing pursuant to Article 21(2) of the GDPR.
- (4) The personal data concerning you have been unlawfully processed.
- (5) The erasure of the personal data concerning you is required for compliance with a legal obligation under Union or Member State law to which the data controller is subject.
- (6) The personal data concerning you have been collected in relation to the offer of information society services referred to in Article 8(1) of the GDPR.

##### **(b) Information to Third Parties**

Where the data controller has made the personal data concerning you public and is obliged pursuant to Article 17(1) of the GDPR to erase them, the data controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform data controllers processing the personal data that you, as the data subject, have requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

##### **(c) Exceptions**

The right to erasure does not exist insofar as the processing is necessary

- (1) for exercising the right of freedom of expression and information;
- (2) for compliance with a legal obligation which requires processing by Union or Member State law to which the data controller is subject, or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller;
- (3) for reasons of public interest in the area of public health in accordance with Article 9(2) (h) and (i) as well as Article 9(3) of the GDPR;
- (4) for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes pursuant to Article 89(1) of the GDPR, insofar as the right referred to in paragraph (a) is likely to render impossible or seriously impair the achievement of the objectives of that processing, or
- (5) for the establishment, exercise, or defense of legal claims.

## **5. Right to Notification**

If you have exercised your right to rectification, erasure, or restriction of processing against the data controller, the latter is obligated to communicate any rectification or erasure of data or restriction of processing to all recipients to whom the personal data concerning you have been disclosed, unless this proves impossible or involves disproportionate effort. You have the right to be informed about these recipients from the data controller.

## **6. Right to Data Portability**

You have the right to receive the personal data concerning you, which you have provided to the data controller, in a structured, commonly used, and machine-readable format. You also have the right to transmit this data to another data controller without hindrance from the data controller to whom the personal data have been provided, provided that

(1) the processing is based on consent pursuant to Article 6(1)(a) of the GDPR or Article 9(2)(a) of the GDPR or on a contract pursuant to Article 6(1)(b) of the GDPR, and

(2) the processing is carried out by automated means. In exercising this right, you also have the right to have the personal data concerning you transmitted directly from one data controller to another data controller, where technically feasible. This must not adversely affect the freedoms and rights of others. The right to data portability does not apply to processing of personal data that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller.

## **7. Right to Object**

You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data concerning you that is based on Article 6(1)(e) or (f) of the GDPR, including profiling based on those provisions. The data controller shall no longer process the personal data concerning you unless they can demonstrate compelling legitimate grounds for the processing that override your interests, rights, and freedoms or for the establishment, exercise, or defense of legal claims. If the personal data concerning you are processed for direct marketing purposes, you have the right to object at any time to the processing of personal data concerning you for such marketing, which includes profiling to the extent that it is related to such direct marketing. If you object to processing for direct marketing purposes, the personal data concerning you will no longer be processed for such purposes. You have the option to exercise your right to object in connection with the use of information society services – notwithstanding Directive 2002/58/EC – by means of automated procedures using technical specifications.

## **8. Right to Withdraw Consent**

You have the right to withdraw your data protection consent declaration at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

## **9. Automated Individual Decision-Making, Including Profiling**

You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you. However, this does not apply if the decision:

(1) is necessary for entering into or performance of a contract between you and the data controller,

(2) is authorized by Union or Member State law to which the data controller is subject and which also lays down suitable measures to safeguard your rights and freedoms and legitimate interests, or

(3) is based on your explicit consent. Nonetheless, these decisions must not be based on special categories of personal data referred to in Article 9(1) of the GDPR, unless Article 9(2)(a) or (g) applies and suitable measures to safeguard your rights and freedoms and legitimate interests are in place. In cases mentioned in (1) and (3), the data controller shall implement suitable measures to safeguard your rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the data controller, to express your point of view, and to contest the decision.

## **10. Right to Lodge a Complaint with a Supervisory Authority**

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work, or place of the alleged infringement, if you consider that the processing of personal data concerning you violates the GDPR. 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 pursuant to Article 78 of the GDPR. For Austria, the supervisory authority is the Data Protection Authority in Vienna, Barichgasse 40-42. Website: <https://www.dsb.gv.at/>

### **Data Controller:**

JAKOB SCHMIDLECHNER GmbH & Co. KG

Dorfplatz 3

A-5330 Fuschl am See

Tel.: +43-6226-8228

Email: [info@hoteljakob.at](mailto:info@hoteljakob.at)

Web: [www.hoteljakob.at](http://www.hoteljakob.at)

Data Protection Officer:

Projekt 29 GmbH & Co. KG

Matthias Baumgartner

[m.baumgartner@projekt29.de](mailto:m.baumgartner@projekt29.de)