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Privacy statement concerning the processing of matters related to EU passenger rights

<p>Controller Finnish Transport and Communications Agency (Traficom)</p>	<p>Controller's contact details PO Box 320, FI-00059 TRAFICOM kirjaamo@traficom.fi telephone +358 29 534 5000</p> <p>Contact details of the controller's data protection officer PO Box 320, FI-00059 TRAFICOM tietosuoja@traficom.fi telephone +358 29 534 5000</p> <p>If your message contains confidential, secret or otherwise sensitive content or a personal identity code, please use Traficom's secure email.</p>
<p>Grounds for and purpose of data processing</p> <p>The Finnish Transport and Communications Agency (Traficom) processes personal data in connection with matters concerning passengers' rights in the EU to comply with its legal obligations.</p> <p>Passengers' rights in the EU are laid down in the following EU Regulations:</p> <p>EU Regulation on air passenger rights (Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91)</p> <p>EU Regulation on the rights of disabled persons and persons with reduced mobility when travelling by air (Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air)</p> <p>EU Regulation on rail passenger rights and obligations (Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations. As of 7 June 2023, the following regulation will be applied: Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations. However, Article 6(4) of the Regulation will be applied as of 7 June 2025.)</p> <p>EU Regulation on the rights of passengers when travelling by sea and inland waterway (Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004)</p> <p>EU Regulation on the rights of passengers in bus and coach transport (Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004)</p>	

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The legal basis for the processing of personal data in connection with matters concerning passengers' rights is Article 6(1)(c) of the EU General Data Protection Regulation (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 and on the free movement of such data, and repealing Directive 95/46/EC). This means that processing personal data is necessary to comply with the legal obligation of the controller. The legal basis of processing special categories of personal data is section 6, subsection 1, paragraph 2 of the Data Protection Act (1050/2018).

Traficom's authority and tasks in matters concerning EU passenger rights are laid down in section 186 of the Act on Transport Services (320/2017).

Traficom has the statutory task of generally supervising compliance with regulations concerning EU passenger rights in respect of the rights of business travellers, disabled passengers and passengers with reduced mobility. Traficom has the statutory competence to give a recommended decision on complaints that concern the rights of passengers who are not consumers and the rights of disabled passengers and passengers with reduced mobility and have been filed under the EU regulations concerning the rights of passengers.

As part of its tasks, Traficom also provides general advice on matters concerning EU passenger rights.

Data content

The data undergoing processing

Traficom processes the personal data of people in the following groups of natural persons in connection with processing matters concerning EU passenger rights

Passengers

Business travellers

Disabled persons and persons with reduced mobility

Consumers (the processing is primarily connected to transferring documents to the competent authority)

Other natural persons

Agents or assistants or their representatives

Guardians

Representatives of legal persons

Personal data primarily processed in connection with matters concerning passenger rights

❖ **The following personal data is processed for natural persons who have contacted the authority:**

- name
- contact information
- information related to health or disability
- other special personal data

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	<ul style="list-style-type: none"> • other personal data mentioned or discovered in connection with the matter (other personal data, such as service language, signature, bank details or personal data on the passenger provided by the transport operator) • other personal data may also contain personal identity codes and e.g. other personal data contained in the travel documents or other identification • the person’s message or complaint and other personal data provided by the data subject in connection with the matter <p>❖ The following personal data is processed for the representatives of legal persons:</p> <ul style="list-style-type: none"> • the name of the person who provided the response on behalf of the legal person • name of the company, auxiliary business name as well as business ID and domicile • workplace address, postal code and country • work telephone number • work email • service language • information on the managing director, general partners and ownership • information on the persons responsible for the rest of the corporation as well as identification and contact information of the responsible persons • other personal data included in the response provided by the legal person (e.g. the signature of the person who provided the response)
Sources of the processed data (where data is received from)	<p>Traficom receives information for monitoring passenger rights and processing individual complaints from general contacts, enquiries and complaints by individuals. The information is usually provided to Traficom via email. Traficom may also receive information from other authorities in Finland, EU member states, countries in the EEA and Switzerland or the European Commission. Legal persons (e.g. transport operators) also provide Traficom with information. Traficom may also obtain information from the news and social media and other public data sources.</p>
Retention period of personal data	<p>Personal data is stored for as long as necessary in order to complete statutory tasks connected to passenger rights.</p> <p>Documents are stored in compliance with legislation on archives and instructions issued by the National Archives of Finland and the Agency’s filing plan verified based on them.</p> <p>General messages and enquiries by business travellers and consumers and the related Traficom responses will be deleted when five years have passed since the receipt of the original message. However, if messages concerning a certain topic are connected to a complaint or supervisory matter that comes pending later, the data is stored permanently.</p> <p>Personal data related to the passenger rights of disabled persons or persons with reduced mobility are usually stored permanently.</p>

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Data processing	
Recipients and recipient groups of personal data (Disclosure)	<p>The following parties may receive personal data:</p> <p>Finnish authorities (Finnish Competition and Consumer Authority: the Consumer Ombudsman, consumer advisory services and the European Consumer Centre as well as the Consumer Disputes Board as well as the Non-Discrimination Ombudsman and any other Finnish authorities)</p> <p>National enforcement bodies responsible for EU passenger rights in EU member states, EEA countries and Switzerland</p> <p>Transport operators (railway companies, shipping companies, air carriers or coach services)</p> <p>Railway station operators, airport operators, bus terminal and port terminal operators</p> <p>Travel agents and ticket vendors in certain special circumstances</p>
Transfer of personal data to third countries outside of the EU/EEA	<p>Traficom has the right to disclose information to foreign authorities in situations related to EU passenger rights or for official duties, if the disclosure has basis in law, European Union legislation or obligations based on international treaties binding Finland. If personal data is transferred outside the EU/EEA, the prerequisites specified in Chapter V of the EU General Data Protection Regulation must be met. The authority receiving the data may disclose the data further when the same prerequisites are met.</p> <p>Personal data may have to be transferred to third countries outside the EU/EEA during the processing of the matter.</p> <p>Passengers are primarily advised to initiate their own matters by contacting a certain body responsible for enforcing EU passenger rights regulations in Switzerland. Based on a legal obligation, Traficom will, however, transfer documents to the Swiss National Enforcement Body (NEB) if requested by the person filing the complaint.</p> <p>When processing individual matters, personal data may have to be transferred outside the EU/EEA to a third country (e.g. requests for information to carriers other than Community carriers) for which the European Commission has not adopted an adequacy decision. In this event, the transfer of personal data may have to be carried out based on grounds for derogation within the General Data Protection Regulation, meaning that the personal data protection does not correspond to the level of protection awarded to personal data within EU member states or the EEA. The need for personal data transfers is assessed separately in each case.</p>

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Rights related to the processing of personal data	
<p>About exercising rights</p> <p>You can exercise your rights by submitting a request to Traficom by email or post. The controller's contact details are listed in this privacy statement under the section 'Controller's contact details'.</p> <p>The right to lodge a complaint with the supervisory authority</p> <p>If you believe that your personal data is being processed in violation of legislation, you may lodge a complaint with the Office of the Data Protection Ombudsman.</p> <p style="text-align: center;">Office of the Data Protection Ombudsman PO Box 800, FI-00531 Helsinki tietosuoja(at)om.fi tel. +358 29 566 6700</p>	
Right to access personal data	The data subject has the right to obtain from the controller confirmation as to whether or not personal data concerning him or her is being processed. Where that is the case, the data subject has the right to access the personal data.
Right to rectification	The data subject has the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her.
Right to object	<p>In situations where the processing of personal data is based on public interest, the exercise of official authority vested in the controller or the legitimate interest of the controller or a third party, the data subject has the right to object to the processing of his or her personal data.</p> <p>If a data subject uses his or her right to object, the controller must stop the processing of the personal data, unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or for the establishment, exercise or defence of legal claims.</p> <p>If the personal data is processed for direct marketing purposes, the data subject has the right to object to the processing without any specific grounds.</p> <p>In situations where personal data is processed for statistical or research purposes, the data subject may object to the processing on grounds relating to his or her particular situation, in response to which the controller must stop processing the data subject's data, unless the processing is necessary for performing a task carried out for reasons of public interest.</p>
Right to restriction of processing	<p>The data subject has the right to obtain from the controller restriction of processing if:</p> <ul style="list-style-type: none"> - the data subject contests the accuracy of the personal data - the processing is unlawful, but the data subject opposes the erasure of the personal data and requests the restriction of its use instead

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	<ul style="list-style-type: none">- the controller no longer needs the personal data for the purposes of the processing, but it is required by the data subject for the establishment, exercise or defence of legal claims- the data subject has objected to the processing of the personal data pending the verification whether the legitimate grounds of the controller override those of the data subject.
Right to erasure	In situations where the legal basis for the processing of personal data is something other than compliance with a legal obligation, the data subject has the right to request the controller to erase personal data concerning him or her. The requested data will be erased unless the controller has a legal basis for refusing to erase the data, such as a legal obligation to retain the data.