

# Privacy Policy

## 1. Name and contact details of the Data Controller:

Name: TS Boat Booking GmbH (hereinafter: the **Controller**)  
Registered seat: Pfarrgasse 52/1, 1230 Wien Austria  
Tax Number: AT U75357409

Contact details of the Controller:

- Postal address: Pfarrgasse 5 2/1, 1230 Wien Austria
- Telephone: + 436764600365
- Electronic contact (email address): info@boatbooking.at

(In the General Terms of Use, the Controller is mentioned as Service Provider).

## 2. Definitions

**Personal Data:** means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**Data Subject:** identified or identifiable natural person whom the personal Data concerns.

**If your personal Data is processed by us, you are also a Data Subject!**

**Processing:** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**Controller:** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by European Union or Member State law.

**Processor:** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

**Filing System:** means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

**Recipient:** means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

**Third party:** means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

**Charterer:** a Recipient who provides a boat which can be booked.

**Crew Member:** A person who can offer services for boats through the Website.

**Profiling:** means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyze or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

**Pseudonymisation:** means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.

**Personal Data Breach:** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

**GDPR:** 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 (General Data Protection Regulation)

**Data Protection Law:** The GDPR and every other kind of legal regulations, either on the level of European Union or Austrian law.

**Supervisory Authority:** means an independent public authority which is established by a Member State of the European Union pursuant to Article 51 of the GDPR.

**Supervisory Authority Concerned:** means a supervisory authority which is concerned by the processing of personal data because: (a) the controller or processor is established on the territory of the Member State of that supervisory authority; (b) data subjects residing in the Member State of that supervisory authority are substantially affected or likely to be

substantially affected by the processing; or (c) a complaint has been lodged with that supervisory authority.

**Special Categories of Personal Data:** racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

**Data Concerning Health:** means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status.

**Enterprise:** means a natural or legal person engaged in an economic activity, irrespective of its legal form, including partnerships or associations regularly engaged in an economic activity.

**Representative:** means a natural or legal person established in the Union who, designated by the controller or processor in writing pursuant to Article 27 of GDPR, represents the controller or processor with regard to their respective obligations under the GDPR.

**Main Establishment** means:

- (a) as regards a controller with establishments in more than one Member State of the European Union, the place of its central administration in the Union, unless the decisions on the purposes and means of the processing of personal data are taken in another establishment of the controller in the Union and the latter establishment has the power to have such decisions implemented, in which case the establishment having taken such decisions is to be considered to be the main establishment;
- (b) as regards a processor with establishments in more than one Member State of the European Union, the place of its central administration in the Union, or, if the processor has no central administration in the Union, the establishment of the processor in the Union where the main processing activities in the context of the activities of an establishment of the processor take place to the extent that the processor is subject to specific obligations under the GDPR.

**Cross-border Processing** means either:

- (a) processing of personal data which takes place in the context of the activities of establishments in more than one Member State of a controller or processor in the Union where the controller or processor is established in more than one Member State; or
- (b) processing of personal data which takes place in the context of the activities of a single establishment of a controller or processor in the Union but which substantially affects or is likely to substantially affect data subjects in more than one Member State.

### **3. Principles and legal basis of data Processing**

#### **3.1. Principles relating to Processing of Personal Data**

Our company acts in accordance with the following principles when Processing Personal Data:

##### **Lawfulness, fairness and transparency**

Personal Data is Processed lawfully, fairly and in a transparent manner in relation to the Data Subject.

##### **Purpose limitation**

Personal Data is collected for specified, explicit and legitimate purposes and not further Processed in a manner that is incompatible with those purposes; further Processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89 (1) of the GDPR, not be considered to be incompatible with the initial purposes.

##### **Data minimisation**

The Processed Personal Data is adequate, relevant and limited to what is necessary in relation to the purposes for which it is Processed.

##### **Accuracy**

The Processed Personal Data is accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that Personal Data that are inaccurate, having regard to the purposes for which it is Processed, is erased or rectified without delay.

##### **Storage limitation**

The Processed Personal Data is kept in a form which permits identification of Data Subjects for no longer than is necessary for the purposes for which the Personal Data is Processed; Personal Data may be stored for longer periods insofar as the Personal Data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) of the GDPR, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of the Data Subject.

##### **Integrity and confidentiality**

The Processed Personal Data is processed in a manner that ensures appropriate security of the Personal Data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

##### **Accountability**

The Controller shall be responsible for, and be able to demonstrate compliance with the above mentioned principles.

### 3.2. Legal basis of Processing

Processing shall be lawful only if and to the extent that at least one of the following applies:

- (a) the Data Subject has given consent to the Processing of his or her Personal Data for one or more specific purposes;
- (b) Processing is necessary for the performance of a contract to which the Data Subject is party or in order to take steps at the request of the Data Subject prior to entering into a contract;
- (c) Processing is necessary for compliance with a legal obligation to which the Controller is subject;
- (d) Processing is necessary in order to protect the vital interests of the Data Subject or of another natural person;
- (e) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller;
- (f) Processing is necessary for the purposes of the legitimate interests pursued by the Controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the Data Subject which require protection of Personal Data, in particular where the Data Subject is a child.

## 4. Data Processing by the Controller

The Data Controller, in this case our Company, may manage your Personal Data for the following purposes:

*- In addition to the individual purposes, we also indicate the legal basis of the data management, the scope of the processed data, and the duration of the data management.*

We anticipate that in the case of a legal person's contact person (regardless of the legal basis indicated below), we consider the legitimate interest of the Data Controller to be the basis of our data management.

### 4.1. Making contact with our company (the Controller)

<b>Scope of Personal Data Processed</b>	Name, telephone number, email address, postal address, in case of a legal person, the contact name, telephone number and email address of the natural person.
<b>Legal basis of Processing</b>	Your consent
<b>Purpose of Processing</b>	The Personal Data is necessary for keeping contact with You (as Data Subject)
<b>Source of the collected data</b>	You
<b>Time period of Processing</b>	After finishing the matters You requested, the processed Personal Data will be deleted, unless further data Processing, which is discussed below, takes place.
<b>Consequences of the refusal to provide information</b>	You cannot keep contact with our company (the Controller).

## 4.2. Booking a boat

<b>Scope of Personal Data Processed</b>	<p>Name, telephone number, email address any additional comment You gave (optional)</p> <p>Technical information:</p> <ul style="list-style-type: none"> <li>- the rented boat,</li> <li>- the date / time period chosed by You (the Data Subject).</li> </ul> <p>List of your electronic statements made via our website:</p> <ul style="list-style-type: none"> <li>- accepting our General terms of Use</li> <li>- accepting the present Privacy Policy</li> <li>- statement of enetering into a contract with the Charterer.</li> </ul>
<b>Legal basis of Processing</b>	Processing is necessary in order to take steps at the request of the Data Subject prior to entering into a contract with the Charterer.
<b>Purpose of Processing</b>	Providing service to You as our customer
<b>Source of the collected data</b>	You
<b>Time period of Processing</b>	<p>Personal Data mentioned above is necessary for settle the fees and services between our Company (the Controller) and the Charterers. Therefore we will continue to retain your above mentioned Personal Data in accordance with applicable tax and accounting laws.</p> <p>We want to highlight that our Filing System does not store Your Personal Data in this case, only if You choose to make a Client Account; however, your browser can store your data if You again use our website, but it is happening because of the cookies, and our Filing System does not get information from these cookies.</p> <p>In this case (You don't make a client account) we store Your Personal Data only in forms necessary to settle the fees and services between our Company and the Charterers.</p>
<b>Consequences of the refusal to provide information</b>	You cannot book a boat at our website.

## 4.3. Entrusting a Crew Member

<b>Scope of Personal Data Processed</b>	<p>Name, telephone number, email address any additional comment You gave (optional)</p> <p>Technical information:</p> <ul style="list-style-type: none"> <li>- selection of the check-in marina,</li> <li>- description of the selected tasks and</li> <li>- optional comments.</li> </ul> <p>List of your electronic statements made via our website:</p> <ul style="list-style-type: none"> <li>- accepting our General terms of Use</li> <li>- accepting the present Privacy Policy</li> </ul>
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	- statement of enetering into a contract with the Crew Member.
<b>Legal basis of Processing</b>	Processing is necessary in order to take steps at the request of the Data Subject prior to entering into a contract with the Crew Member.
<b>Purpose of Processing</b>	Providing service to You as our customer
<b>Source of the collected data</b>	You
<b>Time period of Processing</b>	<p>Personal Data mentioned above is necessary for settle the fees and services between our Company (the Controller) and the Crew Members. Therefore we will continue to retain your above mentioned Personal Data in accordance with applicable tax and accounting laws.</p> <p>We want to highlight that our Filing System does not store Your Personal Data in this case, only if You choose to make a Client Account; however, your browser can store your data if You again use our website, but it is happening because of the cookies, and our Filing System does not get information from these cookies.</p> <p>In this case (You don't make a client account) we store Your Personal Data only in forms necessary to settle the fees and services between our Company and the Charters.</p>
<b>Consequences of the refusal to provide information</b>	You cannot entrust a Crew Member.

#### 4.4. Redirect to the payment service provider's page

You will be redirected to a payment service provider's website in order to pay the boat's rent.

<b>Scope of Personal Data Processed</b>	<p>Data that our company sends to the payment service provider:</p> <ul style="list-style-type: none"> <li>- the amount to be credited.</li> </ul> <p>The payment service provider will send back to our Company an URL to which we will redirect you and you can pay here. After the payment transaction, Our Company (the Controller) will be notified whether the payment has been completed successfully or not. The payment service provider shall provide the following data to the Data Controller:</p> <ul style="list-style-type: none"> <li>- customer and contract ID,</li> <li>- title and amount of performance.</li> <li>- if the payment was unsuccessful, this information.</li> </ul> <p><b>We will not get any information of your bank account, debit or credit card number, etc.</b></p>
<b>Legal basis of Processing</b>	Processing is necessary for the performance of a contract to which the Data Subject is party. (The other party is the Charterer).
<b>Purpose of Processing</b>	Managing the payment of the rental fee of the rented boat.
<b>Source of the collected data</b>	You
<b>Time period of Processing</b>	Personal Data mentioned above is necessary for settle the fees

	and services between our Company (the Controller) and the Charterers. Therefore we will continue to retain your above mentioned Personal Data in accordance with applicable tax and accounting laws.
<b>Consequences of the refusal to provide information</b>	You cannot book a boat at our website.

#### 4.5. Data Transfer to the Charterer / Crew Member

Our Company plays an intermediary role between You (the Data Subject) and the Charterer / Crew Member. Therefore it is necessary to transfer your (as a booking person) Personal Data to the Charterer (as someone who provides the rented boat) / Crew Member. The rental contract is made between You and the Charterer. Same rules applies to the Crew Members.

<b>Scope of Personal Data Processed</b>	<p>Name, telephone number, email address in every case.</p> <p>Technical information in case of Charterers:</p> <ul style="list-style-type: none"> <li>- the rented boat,</li> <li>- the date/time period chosed by You (the Data Subject),</li> <li>- in case You chose some extra services from the Charterer, the list of those extra services,</li> <li>- the status of the payment of the rental fee (and optionally, the cost of the extra services),</li> <li>- any additional comment You send to Us in order to notify the Charterer about that.</li> </ul> <p>Technical information in case of Crew Members:</p> <ul style="list-style-type: none"> <li>- the date/stime period chosed by You (the Data Subject),</li> <li>- the status of the payment of the fee (and optionally, the cost of the extra services),</li> <li>- any additional comment You send to Us in order to notify the Crew Member about that.</li> </ul> <p>List of your electronic statements made via our website:</p> <ul style="list-style-type: none"> <li>- statement of enetering into a contract with the Charterer / Crew Member.</li> </ul>
<b>Legal basis of Processing</b>	Processing is necessary for the performance of a contract to which the Data Subject is party. (The other party is the Charterer or the Crew Member).
<b>Purpose of Processing</b>	Making possible for the Charterer / Crew Member to perform its duties under the contract made between You and the Charterer / Crew Member.
<b>Source of the collected data</b>	You
<b>Time period of Processing</b>	Personal Data mentioned above is necessary for settling the fees and services between our Company (the Controller) and the Charterers / Crew Members. Therefore we will continue to retain your above mentioned Personal Data in accordance with applicable tax and accounting laws.
<b>Consequences of the refusal to provide information</b>	You cannot book a boat or cannot entrust a Crew Member at our website.

We want to also inform the Clients that – if the Charterer and the owner of the boat is a different person, then the Charterer and the boat owner can request together the Company to provide information about the present time whereabouts of a boat to the boat owner. This information allows the boat owner to check whether his/her/its boat is currently rented or not. This data can be used in fee settlements between the boat owners and the Charterers.

We want to emphasize that we are NOT forwarding any Personal Data of any Clients renting a boat to the actual boat owner, only the location of the boat; therefore the boat owner cannot deduce the personality of the Client, since the boat owner has no access to any other data regarding the Clients.

#### 4.6. Making a client account at our website

You can also choose to make a client account at our website. This is not necessary for the booking. If you decide to make a client account, our Filing System will store Your Personal Data for the bookings You will make in the future, so You don't have to type your data again in our website.

If You don't make a client account during the booking process, You will have to type again Your data at the next time You rent a boat or entrust a Crew Member at our website. In this case our Filing System does not store Your Personal Data; however, your browser can store your data if You again use our website, but it is happening because of the cookies, and our Filing System does not get information from these cookies.

<b>Scope of Personal Data Processed</b>	Name, telephone number, email address, password.
<b>Legal basis of Processing</b>	Your consent.
<b>Purpose of Processing</b>	Making possible to maintain a client account which can give You other services.
<b>Source of the collected data</b>	You
<b>Time period of Processing</b>	Until Your decision to delete Your Client Account or Your request to erase Your Personal Data stored in our Filing system; but not later than 5 (five) years after the last login to our website.
<b>Consequences of the refusal to provide information</b>	We cannot provide You a client account.

#### 4.7. Using the client account at our website

If You have a client account at our website, we can provide You additional services.

You can mark boats as „favourite” and can compare the details of chosen boats.

If You booked a boat, then after Your rental period, You can give a score number to the boat, and also can give detailed evaluation about it.

<b>Scope of Personal Data Processed</b>	<ul style="list-style-type: none"> <li>- boats marked as favourite</li> <li>- comparison of chosen boats (our Filing System won't store this data after the session)</li> <li>- the score and detailed evaluation You give to an already rented boat. (These will be published on our Website.)</li> </ul>
<b>Legal basis of Processing</b>	Your consent.
<b>Purpose of Processing</b>	Making possible to provide the additional services of a client

	account.
<b>Source of the collected data</b>	You
<b>Time period of Processing</b>	Until Your decision to delete Your Client Account or Your request to erase Your Personal Data stored in our Filing system; but not later than 5 (five) years after the last login to our website. After the erasure of Your client account, the score and detailed evaluation You gave to a boat will still remain in the Filing System, and will be available on our website, but only as a pseudonym data.
<b>Consequences of the refusal to provide information</b>	It is entirely up to Your decision if You make the above mentioned activities at Your client account or not.

#### 4.8. Handling invoices

The person who makes the payment for the booking of a boat or entrust a Crew Member, will get a feedback about the payment from our Company. The invoice is to be sent by the Charterer/ Crew Member, because the Charterer / Crew Member is the other party of the rental contract.

Our Company is sending invoices to the Charterers/ Crew Members. Sometimes a Charterer / Crew Member can be a natural person; in this case, the Charterer / Crew Member can also be a Data Subject.

<b>Scope of Personal Data Processed</b>	<ul style="list-style-type: none"> <li>- The Charterer's / Crew Member's name,</li> <li>- the Charterer's / Crew Member's address,</li> <li>- the Charterer's / Crew Member's email address,</li> <li>- our Company's fee,</li> <li>- an identification information of the concerned transaction, which does not contain Personal Data of the natural person who is renting the boat; the information is a code referring to the order.</li> </ul>
<b>Legal basis of Processing</b>	Processing is necessary for compliance with a legal obligation (tax regulations) to which the Controller is subject.
<b>Purpose of Processing</b>	The Controller is intending to comply with the relevant legal regulations. Email address is necessary for sending the invoice.
<b>Source of the collected data</b>	The Charterer / Crew Member gives its name, address, email address; the other data is generated during the rental process.
<b>Time period of Processing</b>	The above data will be deleted after the expiry of the period prescribed by the tax and accounting legislation in force at any time.
<b>Consequences of the refusal to provide information</b>	The Charterer / Crew Member can not make a contract with our Company (the Controller) without providing the necessary data mentioned above.

#### 4.9. Registering as a Crew Member

A Crew Member has to provide information about himself/herself in order to be promoted via the Website.

<b>Scope of Personal Data Processed</b>	Crew Member's name, photo, profession, age, years of experience, personal introduction, spoken languages, countries where he/she operates, preferred boat categories, scope of services, price of services, the available time periods, and any additional comments.
<b>Legal basis of Processing</b>	Processing is necessary for the performance of a contract to which the Crew Member as Data Subject is party. Providing the data is initiated by the Crew Member if he or she wants to make a contract with the Company (the Controller).
<b>Purpose of Processing</b>	The data is used to promote the Crew Member's services via the Website.
<b>Source of the collected data</b>	The Crew Member as Data Subject provides all data.
<b>Time period of Processing</b>	The data will be erased from the Website after the contractual relationship between the Crew Member and the Company (the Controller) ends. The Controller will further use those data which was used for invoices between the Controller and the Crew Member. For further information, please check the „handling invoices” clause.
<b>Consequences of the refusal to provide information</b>	The Crew Member can not make a contract with our Company (the Controller) without providing the necessary data mentioned above.

#### 4.10. Registering as a Charterer

The Charterer has to provide information about himself/herself/itself in order to be promoted via the Website.

<b>Scope of Personal Data Processed</b>	In case of Charterers qualify as natural persons: The Charterer's name, contact details, and every data listed at the Website.  In case of Charterers qualify as legal persons: The name and contact details of the CEO or the contact person of the Charterer.
<b>Legal basis of Processing</b>	Processing is necessary for the performance of a contract to which the Charterer as Data Subject is party. Providing the data is initiated by the Charterer if he or she wants to make a contract with the Company (the Controller).
<b>Purpose of Processing</b>	The data is used to promote the Charterer's services via the Website.
<b>Source of the collected data</b>	The Charterer as Data Subject provides all data.
<b>Time period of Processing</b>	The data will be erased from the Website after the contractual relationship between the Charterer and the Company (the Controller) ends. The Controller will further use those data which was used for invoices between the Controller and the Charterer. For further information, please check the „handling invoices” clause.
<b>Consequences of the refusal to provide information</b>	The Charterer can not make a contract with our Company (the Controller) without providing the necessary data mentioned above.

## 4.11. Newsletters

You can subscribe to our newsletter at our webpage.

Please note that the following cases do not qualify as a newsletter:

- if the management of the email address is primarily for the purpose of identifying the Data Subject,
- or at the time of registration or, in the case of an order, at the time of payment, as well as during the fulfillment of the order and the use of the service,
- in addition, in the event of a change in the service provided by the Charterer / Crew Member or in the General Terms of Use, our Company will in some cases send the information on the change to You in electronic form by email.

<b>Scope of Personal Data Processed</b>	Name and email address.
<b>Legal basis of Processing</b>	Your consent.
<b>Purpose of Processing</b>	Making possible to notify You about the new possibilities showed at our website, sales actions of the Charterers / Crew Members.
<b>Source of the collected data</b>	You.
<b>Time period of Processing</b>	Until You withdraw Your consent / or protest the further Processing / request to erase Your Personal Data.  In case You already booked a boat thorough our website, or have a client account, than the cancelling of newsletter sending won't mean that our Company (the Controller) stops to process Your name and email address.
<b>Consequences of the refusal to provide information</b>	We won't be able to send You newsletters.

## 4.12. Complaint handling

<b>Scope of Personal Data Processed</b>	Name, telephone number and email address, the rented boat, the time period of the rent, the entrusted Crew Member, the date of the complaint, the complaint itself, and our Company's response and the date of the response.
<b>Legal basis of Processing</b>	Processing is necessary for compliance with a legal obligation (customer rights) to which the Controller is subject.
<b>Purpose of Processing</b>	Complaint handling.
<b>Source of the collected data</b>	You provide the data in your complaint.
<b>Time period of Processing</b>	The above data will be deleted after the expiry of the period prescribed by the relevant legal regulations concerning customer rights in force at any time.

### 4.13. Cookies

You can find detailed informations in our Cookie Policy available at <https://boatbooking.at> in the corresponding section.

### 4.14. Operating a Facebook fan page

<b>Scope of Personal Data Processed</b>	As a Facebook user, the administrator of the Controller can see the list of fans and followers, and they can see their public profile by clicking on the individuals.
<b>Legal basis of Processing</b>	By clicking on the “like” or “Follow” button on our Facebook fan page, You consent to the publication of our Company's news and offers on Your own message board.
<b>Purpose of Processing</b>	Increasing the awareness of our Company and publishing our Company's advertising for marketing purposes.
<b>Source of the collected data</b>	The Personal Data becomes available to the Controller through your action (“like” or “follow” button and posting, etc.).
<b>Time period of Processing</b>	The connection between You and the Controller on the Facebook platform will be terminated if You withdraw your liking / following.
<b>Consequences of the refusal to provide information</b>	You will not receive automatic notification of new information posted on our Facebook fan page.

For information about Facebook's own privacy practices, see the Privacy Policy of Facebook which can be found at Facebook’s website.

Facebook may continue to manage data relating to your activities on our Facebook fan page after you and the Controller have ceased to be connected to the Facebook platform; Our company, ie. the Controller, excludes its own responsibility for the said data management of Facebook, as we have no influence on this.

### 4.15. Operating an Instagram fan page

<b>Scope of Personal Data Processed</b>	As an Instagram user, the administrator of the Controller can see the list of fans and followers, and they can see their public profile by clicking on the individuals.
<b>Legal basis of Processing</b>	By clicking on the “Follow” button on our Instagram fan page, You consent to the publication of our Company's news and offers on Your own message board.
<b>Purpose of Processing</b>	Increasing the awareness of our Company and publishing our Company's advertising for marketing purposes.
<b>Source of the collected data</b>	The Personal Data becomes available to the Data Controller through your action (“like” or “follow” button and posting, etc.).
<b>Time period of Processing</b>	The connection between You and the Controller on the Instagram platform will be terminated if You withdraw your following.
<b>Consequences of the refusal to provide information</b>	You will not receive automatic notification of new information posted on our Instagram fan page.

Instagram is a brand owned by Facebook. For information about Facebook's own privacy practices, see the Privacy Policy of Facebook which can be found at Instagram's website. Facebook/Instagram may continue to manage data relating to your activities on our Instagram fan page after you and the Controller have ceased to be connected to the Instagram platform; Our company, ie. the Controller, excludes its own responsibility for the said data management of Facebook/Instagram, as we have no influence on this.

**4.16. Operating a Twitter fan page**

<b>Scope of Personal Data Processed</b>	As a Twitter user, the administrator of the Controller can see the list of fans and followers, and they can see their public profile by clicking on the individuals.
<b>Legal basis of Processing</b>	By clicking on the "like" or "Follow" button on our Twitter fan page, You consent to the publication of our Company's news and offers on Your own message board.
<b>Purpose of Processing</b>	Increasing the awareness of our Company and publishing our Company's advertising for marketing purposes.
<b>Source of the collected data</b>	The Personal Data becomes available to the Controller through your action ("like" or "follow" button and posting, etc.).
<b>Time period of Processing</b>	The connection between You and the Controller on the Twitter platform will be terminated if You withdraw your liking / following.
<b>Consequences of the refusal to provide information</b>	You will not receive automatic notification of new information posted on our Twitter fan page.

For information about Twitter's own privacy practices, see the Privacy Policy of Facebook which can be found at Twitter's website. Twitter may continue to manage data relating to your activities on our Twitter fan page after you and the Controller have ceased to be connected to the Twitter platform; Our company, ie. the Controller, excludes its own responsibility for the said data management of Twitter, as we have no influence on this.

**4.17. Operating a Youtube channel**

<b>Scope of Personal Data Processed</b>	As a Youtube user, the administrator of the Controller can see the list of fans and followers, and they can see their public profile by clicking on the individuals.
<b>Legal basis of Processing</b>	By clicking on the "Follow" button on our Youtube channel, You consent to the publication of our Company's videos at Your own Youtube page.
<b>Purpose of Processing</b>	Increasing the awareness of our Company and publishing our Company's advertising for marketing purposes.
<b>Source of the collected data</b>	The Personal Data becomes available to the Controller through your action ("like" or "follow" button and posting, etc.).
<b>Time period of Processing</b>	The connection between You and the Controller on the Youtube platform will be terminated if You withdraw your following.
<b>Consequences of the refusal to provide information</b>	You will not receive automatic notification of new information posted on our Youtube channel.

Youtube is a brand associated with Google Inc. For information about Google Inc's / Youtube's own privacy practices, see the Privacy Policy of Google Inc. which can be found at Google Inc's website.

Google Inc. / Youtube may continue to manage data relating to your activities on our Youtube channel after you and the Controller have ceased to be connected to the Youtube platform; Our company, ie. the Controller, excludes its own responsibility for the said data management of Google Inc. / Youtube, as we have no influence on this.

**4.18. Operating a LinkedIn fan page**

<b>Scope of Personal Data Processed</b>	As a LinkedIn user, the administrator of the Controller can see the list of fans and followers, and they can see their public profile by clicking on the individuals.
<b>Legal basis of Processing</b>	By clicking on the “like” or “Follow” button on our LinkedIn fan page, You consent to the publication of our Company's news and offers on Your own message board.
<b>Purpose of Processing</b>	Increasing the awareness of our Company and publishing our Company's advertising for marketing purposes.
<b>Source of the collected data</b>	The Personal Data becomes available to the Controller through your action (“like” or “follow” button and posting, etc.).
<b>Time period of Processing</b>	The connection between You and the Controller on the LinkedIn platform will be terminated if You withdraw your liking / following.
<b>Consequences of the refusal to provide information</b>	You will not receive automatic notification of new information posted on our LinkedIn fan page.

For information about LinkedIn's own privacy practices, see the Privacy Policy of LinkedIn which can be found at LinkedIn's website.

LinkedIn may continue to manage data relating to your activities on our LinkedIn fan page after you and the Controller have ceased to be connected to the LinkedIn platform; Our company, ie. the Controller, excludes its own responsibility for the said data management of LinkedIn, as we have no influence on this.

**5. Processing methods**

Processing methods may be the followings: collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**6. Data Transfer**

Data Transfer is the transfer or making available of Personal Data to a third party (see Definition of Recipient in the Definitions).

The Controller will transfer or make available Personal Data in accordance with the conditions and to the extent set forth in the Data Protection Law. Personal Data may be transferred if

- You gave your consent, or
- it is necessary for the performance of the contract concluded or to be concluded with You (see the contract with Charterers), or

- the Data Protection Law allows or prescribes it (eg. transmission to state Authorities, etc.), or
- narrowly, if the legitimate interest of the Controller (ie. our Company) allows it (eg. legal enforcement of a claim, etc).

The most important data transfers (to Chartes or Crew Members) have been presented in section 4. above.

#### Data Transfer outside of the European Union:

We may transfer Your Personal Data outside of the European Union:

- in case the Charterer's Main Establishment of Your chosen boat is registered outside of the European Union (this is necessary in order to the performance of a contract to which the Data Subject [You] is party);
- in connection with cookies, because Processors outside the European Union are involved. Such data transmission may be prohibited in the cookie selection tool.

## **7. Processors**

The Controller is entitled to use Processors and to transfer Personal Data to them. We would like to inform You that the transfer of Personal Data to the Processor and the use of it by the Processor does not require previous consent on the side of the Data Subject (You), according to the Data Protection Law. The Processor shall not make a substantive decision concerning data management, and shall process the Personal Data obtained only as a technical task in accordance with the provisions of the Controller, shall not process Data for its own purposes and is obliged to store and preserve Personal Data in accordance with the Controller's provisions. The range of Processors is subject to change, a list of which can be found in Annex 1.

## **8. Data security and the range of persons entitled to know it**

Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the Controller implements appropriate technical and organisational measures to ensure a level of security appropriate to the risk, including inter alia as appropriate:

- the pseudonymisation and encryption of personal data;
- the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
- the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;
- a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

In assessing the appropriate level of security account shall be taken in particular of the risks that are presented by processing, in particular from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed.

Data security measures are regularly evaluated by the Controller.

In order to ensure the security of Personal Data, the Controller ensures the security of data management through internal regulatory, organizational, technical and educational measures.

The Controller uses the technology and procedure for information technology security, e.g.

- security access control, an entitlement management system that limits access to the employee to the extent necessary for the work to be performed,
- computer ID, password, screen saver, logging, etc.
- a filter program is used to protect against information technology risk (eg. phishing, virus or spyware).

## **Range of persons entitled to know Personal Data:**

The given data management operation can be performed by the person or the data can be known by the person whose job is the related activity. So especially because of his job

- the data recorder, and
- IT staff responsible for the operation of the IT system,
- the employee who acts in connection with the performance of the contract (eg. the salesperson in the case of contact, the colleague dealing with it during support, and the colleague dealing with the complaint in case of a complaint),
- a staff member acting in the context of a specific contractual relationship, such as lawyer v. notary, customer satisfaction surveyor, intermediary, receivables manager acting in a contractual capacity.

Within the organization of our company, the system of rules for the acquaintance of Personal Data with an employee is determined by the internal organizational and operational rules (confidentiality rules), the employee's job description and the internal procedure for the right to access Personal Data.

An employee of our company is only entitled to know your Personal Data to the extent necessary for the performance of his or her duties and is bound by an obligation of confidentiality.

The Personal Data is also known to the employee of the Processors, as well as to the person to whom the Personal Data is transferred due to the consent of the Data Subject (eg. you) and the provisions of the relevant law.

## **Important notifications:**

Please note that data transmission over the Internet is not considered to be a completely secure data transmission, therefore the Controller cannot take full responsibility for the data transmission via its website.

In case of making a client account at our website, please do not share the Personal Data (email address and password) used to log in with anyone.

We also ask you to notify our Company as soon as possible if there is a change in your Personal Data (especially in your contact details), in case you rented a boat, as we can notify the Charterer about it and provide our service to you at the expected and appropriate level.

## **9. Rights of the Data Subjects (your rights)**

The provisions stated below in Clause 9.1-9.3. concerns citizens of the European Union.

### **9.1. General rules concerning your rights:**

The Controller shall provide information on actions taken on any request detailed below to You 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. The Controller shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay. Where you make the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by you.

Any communication and any actions taken according to the previous clauses shall be provided free of charge. Where requests from a data subject 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.

The Controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.

If the Controller has reasonable doubts as to the identity of the person submitting the request, he / she may request the provision of additional information in order to establish the identity of the requester beyond a reasonable doubt.

## **9.2. The list of Your rights:**

### Right of access

You have the right to obtain confirmation from the Controller as to whether or not personal data concerning you are being processed, and, where that is the case, access to the personal data and the following information:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request from the Controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject, any available information as to their source;
- information about automated decision-making, including profiling (the Controller does not use automated decision-making or profiling);
- where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards

The Controller shall provide a copy of the personal data undergoing processing – in case you requested it. For any further copies requested by you, the Controller may charge a reasonable fee based on administrative costs. Where you make the request by electronic means, and unless otherwise requested by you, the information shall be provided in a commonly used electronic form. The right to obtain a copy shall not adversely affect the rights and freedoms of others.

### Right to rectification

You have the right to obtain from the Controller without undue delay the rectification of inaccurate personal data concerning you.

### Right to erasure

You have the right to obtain from the Controller the erasure of personal data concerning you without undue delay and the Controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;

- you withdraw your consent on which the processing is based and where there is no other legal ground for the processing;
- you object to the processing and there are no overriding legitimate grounds for the processing, or you object to the processing concerning direct marketing;
- the personal data have been unlawfully processed;
- 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;
- the personal data have been collected in relation to the offer of information society services.

The Controller is entitled to further process the personal data to the extent that processing is necessary:

- for exercising the right of freedom of expression and information;
- for compliance with a legal obligation which requires processing by Union or Member State law to which the 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 Controller;
- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes;
- for the establishment, exercise or defence of legal claims.

#### 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 you have requested the erasure by such Controllers of any links to, or copy or replication of, those personal data.

#### Right to restriction of processing

You have the right to obtain from the Controller restriction of processing where one of the following applies:

- the accuracy of the personal data is contested by you, for a period enabling the Controller to verify the accuracy of the personal data;
- the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;
- the Controller no longer needs the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims;
- you have objected to processing pending the verification whether the legitimate grounds of the Controller override those of yours.

Where processing has been restricted according to the above mentioned causes, such personal data shall, with the exception of storage, only be processed with your 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 Union or of a Member State.

You shall be informed by the Controller before the restriction of processing is lifted.

#### Right to data portability

You have the right to receive the personal data concerning you, which you have provided to 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 the Controller to which the personal data have been provided, where:

- the processing is based on consent and
- the processing is carried out by automated means.

In exercising your right to data portability, you shall have the right to have the personal data transmitted directly from one Controller to another, where technically feasible.

The exercise of this right shall be without prejudice to the right to erasure and shall not adversely affect the rights and freedoms of others.

### Right to object

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you, which is based on the legitimate interest of the Controller, including profiling. The Controller shall no longer process the personal data unless the Controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of you or for the establishment, exercise or defence of legal claims.

### Right to object concerning direct marketing-related processing

Where personal data are processed for direct marketing purposes, you shall have the right to object at any time to processing of personal data concerning you for such marketing, which includes profiling to the extent that it is related to such direct marketing. Where you object to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.

### The withdrawal of consent

If data processing is based on your consent, you are entitled to withdraw your consent any time.

We want to draw your attention that in case the processing has any other legal ground, the withdrawal does not lead to the cease of data processing.

The withdrawal of your consent does not affect the legality of the data processing before the withdrawal.

### 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. This shall not apply if the decision:

- is necessary for entering into, or performance of, a contract between you and the data Controller;
- is authorised by Union or Member State law to which the Controller is subject and which also lays down suitable measures to safeguard your rights and freedoms and legitimate interests; or
- is based on your explicit consent.

In the cases referred to in the first and third places above, the 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 Controller, to express your point of view and to contest the decision.

The Controller states that it does not use automated decision-making and profiling at the date of issuing this policy.

### **9.3. Legal remedies**

#### Right to an effective judicial remedy against the Controller

You have the right to an effective judicial remedy where you consider that your rights under the GDPR have been infringed as a result of the processing your personal data in non-compliance with the GDPR or other legal regulations concerning data protection.

Proceedings against the Controller shall be brought before the competent Austrian court. Alternatively, such proceedings may be brought before the courts of the Member State where the Data Subject has his or her habitual residence.

The competent court regarding the Controller:

Oberlandesgericht Wien

Telefon: +43 1 52152 0

Fax: +43 1 52152 3690

Address: 1011 Wien, Schmerlingplatz 11, Postfach 26, Austria

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

You have the right to lodge a complaint with a Supervisory Authority, if You consider that the processing of Personal Data relating to you infringes the GDPR or other legal regulations concerning data protection.

Supervisory Authority Concerned:

Proceedings against the Controller shall be brought before the competent Austrian Supervisory Authority. Alternatively, such proceedings may be brought before the Supervisory Authority of the Member State where the Data Subject has her or his habitual residence.

The Supervisory Authority Concerned in Austria is the „Austrian Data Protection Authority” or „Österreichische Datenschutzbehörde”.

Seat and postal address: Barichgasse 40-42, 1030 Vienna, Austria

Telephone: +43 1 52 152-0

Email: dsb@dsb.gv.at

We recommend you that before you turn the court or the supervisory authority, file a complaint directly at the Controller.

### **9.4. Additional Terms for Californian citizens**

If you live in the California state of the United States of America, these Additional Terms apply and override any inconsistent terms in the Privacy Policy:

9.4.1. The provisions in this Additional Terms are intended to fulfil the requirements of the California Consumer Privacy Act ("CCPA") and shall apply to Clients who are resident in California.

To the extent that any terms used in this Privacy Policy and paragraph 2 of the Additional Terms are defined in the CCPA, such definitions shall apply. The term "Personal Data" as used in this Privacy Policy and Additional Terms shall include "Personal Information" as such term is defined in the CCPA.

9.4.2. The categories of Personal Data collected by the Controller correspond to the following categories of Personal Information listed in the CCPA:

- identifiers and personal information categories referenced in applicable California law (first and last names, email address, home address, telephone number);
- protected classification characteristics under California or US federal law (age, country of residence).

9.4.3. The Controller will not process your Personal Data for purposes which are materially different, unrelated, or incompatible with the purposes set out in the Privacy Policy without providing you notice.

9.4.4. The Controller will not disclose and will not sell to third parties the categories of Personal Data listed in Privacy Policy above for a business purpose.

9.4.5. Additional rights under the CCPA

Users who are resident in California may have the following rights under the CCPA in addition to the rights set out in Section VII. of the Privacy Policy:

Access: Once the Controller receive and confirm your verifiable consumer request, the Controller will disclose the following to you:

- the categories of your Personal Data and the specific Personal Data that the Controller have collected;
- the categories of sources from which your Personal Data was collected;
- the Controller's business or commercial purpose for collecting your Personal Data; and
- the categories of third parties with whom we share your Personal Data, and where such third parties received your Personal Data from the Controller for a business purpose, the categories of your Personal Data that the Controller disclosed to such third parties;

Under the CCPA, you are only entitled to exercise the Personal Data access right set out in this paragraph twice a year.

Deletion: Once the Controller receives and confirms your verifiable consumer request, the Controller will (and will direct our service providers to whom we have disclosed your Personal Data to) delete your Personal Data unless an exception under the CCPA applies.

To exercise any of the rights set out here, please contact the the Controller in the availabilities provided in this Privacy Policy.

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your Personal Data. The Controller may need to request specific information from you to help us confirm that your request is a verifiable consumer request.

9.4.6. The Controller will not discriminate against you for exercising any of your rights under the CCPA. Specifically, unless permitted by the CCPA, the Controller will not:

- deny you access to services provided on BoatBookin's Website;
- charge you different prices or rates for the services provided on BoatBooking's Website, or imposing penalties on you;
- provide you with a different level or quality of services than otherwise generally provided, or
- suggest that you will receive a different price or rate for, or a different level or quality of, the services generally provided.

## **10. Amendment of this Privacy Policy**

The Controller reserves the right to unilaterally amend this Privacy Policy, of which it shall inform the Data Subject accordingly.

Appendix:

1. List of Processors

## ***Appendix No.1.***

### ***List of Processors***

1./

#### **Online payment**

Name of Processor: **PAYREXX AG**

Contact: [info@payrexx.com](mailto:info@payrexx.com)

Scope of Personal Data Processed: Personal Data mentioned in the relevant Clauses of the Privacy Policy

Data Subjects concerned: every Data Subject paying the rental fee.

Purpose of Processing: making available the online payment, giving feedback of the success or refusal of the payment.

Time period of Processing: according to the Privacy Policy of the Processor.

2./

#### **Web Hosting**

Name of Processor: PayTech interational Kft.

Contact: [info@paytech.hu](mailto:info@paytech.hu)

Scope of Personal Data Processed: every data sent through the Controller's website.

Data Subjects concerned: every Data Subject using the Controller's website.

Purpose of Processing: making available the online payment, giving feedback of the success or refusal of the payment.

Time period of Processing: according to the Privacy Policy of the Processor.

3./

#### **IT service**

Name of Processor: PayTech International Kft.

Contact: [info@paytech.hu](mailto:info@paytech.hu)

Scope of Personal Data Processed: every data sent through the Controller's website.

Data Subjects concerned: every Data Subject using the Controller's website.

Purpose of Processing: making available the online payment, giving feedback of the success or refusal of the payment.

Time period of Processing: according to the Privacy Policy of the Processor.

4./

#### **Newsletter sending**

Name of Processor: The Rocket Science Group, LLC (Mailchimp)

Contact: [legal@mailchimp.com](mailto:legal@mailchimp.com)

The Privacy Policy of the Processor is available at here: <https://mailchimp.com/legal/privacy/>

Scope of Personal Data Processed: every data sent through the Controller's website.

Data Subjects concerned: every Data Subject using the Controller's website.

Purpose of Processing: making available the online payment, giving feedback of the success or refusal of the payment.

Time period of Processing: according to the Privacy Policy of the Processor.