

DATA PROTECTION STATEMENT / INFORMATION TO BE PROVIDED

Version 1.1, last updated April 2022

Protecting your personal data is of particular concern to us. When processing your personal data (e.g. master data), we comply with applicable data protection regulations, in particular the EU GDPR and the Austrian Data Protection Act (DSG).

Below you can find further information on the data we process:

1. Controller

OÖ Landes-Kultur GmbH
Disclosure pursuant to Section 5 of the Austrian E-Commerce Act (ECG):
Address: Museumstraße 14, 4020 Linz
Telephone: +43 (0)732/7720-52300
E-mail: direktion@ooelkg.at
VAT no.: ATU 75347714
Managing Director: Prof. Mag. Dr. Alfred Weidinger
Company registration no.: 530246z, Regional Court Linz

(hereinafter referred to as "Seller")

As we are not legally obligated to do so, we have not appointed/designated a data protection officer and named them to the data protection authorities.

2. Rights of the data subject/right to object and withdraw consent/right to lodge a complaint

2.1. With regard to the personal data processed by us, you have the following rights:

- **Right of access (Art. 15 EU GDPR)**
- **Right to rectification (Art. 16 EU GDPR) and erasure (Art. 17 EU GDPR)**
- **Right to restriction of processing (Art. 18 EU GDPR)**
- **Right to data portability (Art. 20 EU GDPR)**
- **Right to object (Art. 21 EU GDPR)**

Right to object: Should the processing of your personal data require a **balancing of interests** (Art. 6 para. 1 (f) EU GDPR: legitimate interests), you have the right to **object** to the processing **at any time** on grounds relating to your particular situation. When exercising your right to object, we shall ask you to state the reasons why we should refrain from processing your personal data as conducted so far. After examining the merits of your objection, we shall either discontinue or modify the processing of your data, or demonstrate

compelling legitimate grounds to continue with the processing. We shall also continue to process your data for the purpose of establishing, exercising or defending legal claims.

You may object, at any time, to the processing of your data for the purposes of **direct marketing** and **data analysis**. In such a case, we shall discontinue the processing.

Right to withdraw consent: If you have **consented** to the processing of your personal data, you can **withdraw** this consent **at any time**. Your withdrawal of consent shall not prejudice the lawfulness of the data processing performed up to that point.

To exercise the aforementioned rights, you must inform us in person, by telephone or in writing:

OÖ Landes-Kultur GmbH
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Telephone: +43 (0)732/7720-52300
E-mail: direktion@ooelkg.at
VAT no.: ATU 75347714
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Company registration no.: 530246z, Regional Court Linz
(hereinafter referred to as "Seller")

Please note that we can only provide you with information if you are able to provide proof of your identity.

2.2. Should you believe that the processing of your data is in breach of applicable data protection law, or that we are violating your data protection rights, you are entitled to lodge a **complaint with the supervisory authority** in the member state of your place of residence, your place of work or the place of the alleged violation.

Should you wish to submit your complaint to the supervisory authority in Austria, please address it to:

Österreichische Datenschutzbehörde
Barichgasse 40-42
1030 Vienna

3. Information on the processing of your personal data

3.1 Visiting our website

- Purpose: If our website is used for information purposes only (no registration and no transmission of other information), personal data transmitted by your browser to our server shall be collected. This is necessary for technical reasons in order to display and ensure the stability and security of our website.
- Legal basis: legitimate interests (Art. 6 para. 1 (f) EU GDPR), Section 96 para. 3 of the Austrian Telecommunications Act (TKG)
- The following data is processed: IP address, date and time of the request, time zone difference to GMT, content of the request (specific page), access status/HTTP status code, amount of data transferred in each case, requesting website, browser, operating system and interface, language and version of the browser software
- Retention period: duration of your visit to our website
- Recipients/recipient categories: processor

3.2 Electronic contact requests via our website

- Purpose: processing of contact requests via e-mail or the website contact form
- Legal basis: contract performance, required for the implementation of pre-contractual measures (Art. 6 para. 1 (b) EU GDPR), legitimate interests (Art. 6 para. 1 (f) EU GDPR), Section 96 para. 3 TKG 2003
- The following data is processed: master data, content data of the inquiry
- Retention period: until the inquiry has been answered. If legal retention obligations exist, processing shall be restricted for this period.
- Recipients/recipient categories: processor

3.3 Cookies/web analytics service

- Purpose: improving the service offering, web presence and direct marketing
- Legal basis: consent (Art. 6 para. 1 (a) EU GDPR), contract performance, required for the implementation of pre-contractual measures (Art. 6 para. 1 (b) EU GDPR), legitimate interests, in particular to improve our own services for the benefit of users (Art. 6 para. 1 (f) EU GDPR), Section 96 para. 3 TKG 2003
- The following data is processed: IP address
- Retention period: *see cookie list*
- Recipients/recipient categories: company of the analysis service/service provider

Cookie list

Type of cookie	Name/description	Retention period	Cookie provider
Functional cookies	Stores the information provided by the user on cookie consent	Up to 24 months	
Analytics cookies	Tracking of user behaviour on the website and to generate remarketing lists	Up to 24 months	Google
Marketing cookies	Statistics and marketing (tracking)	Up to 20 years	Facebook Google

Technical cookies are essential for the functioning and proper use of the website.

Functional cookies increase the ease of use, such as the loading speed or automatic language settings when visiting the website. **Analytics cookies** provide us with information on the use of our website. Advertising and marketing cookies help us link to social media networks, such as YouTube, or to place advertisements.

3.3.1 Using Google services

This website uses various services provided by Google Inc, 1600 Amphitheatre Parkway, Mountain View, CA 94043, United States, and by Google Ireland Limited (registration no.: 368047), Gordon House, Barrow Street, Dublin 4, Ireland if you are a resident of the European Union, the European Economic Area or Switzerland ("Google").

Further information on Google's services and privacy policy is available at: <https://policies.google.com/privacy?hl=en>.

3.3.2 Using Google Analytics

This service uses "cookies" to analyse the use of our website.

Purpose: We use the analysis of user behaviour to optimize both our web offerings and our advertising. We have **activated** the **IP-anonymization feature** on this website. This means that before being transmitted to the USA, your IP address is shortened by Google in member states of the European Union or in other signatory states to the Agreement on the European Economic Area. Only in exceptional cases is the full IP address transmitted to a Google server in the USA and shortened there. The transmission of the collected information to a third country **without a sufficient level of security** cannot be ruled out.

By giving your explicit consent to the processing of cookies, you also agree to a possible processing of your data in the USA.

This information may also be passed on to contractual partners of Google.

- Purpose: improving the service offering, web presence and direct marketing
- Legal basis: see point 3.3. Cookies/web analytics service
- Retention period: see cookie list

3.3.2 Using Facebook services (Facebook pixel, Facebook Custom Audience)

This website uses the Facebook pixel of Facebook Inc., 1 Hacker Way, Menlo Park, CA 94025, USA, and of Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland for residents of the European Union, the European Economic Area and Switzerland ("Facebook"). When visiting our website, the Facebook pixel establishes a direct connection between your browser and the Facebook server. This provides Facebook with the information that you have visited our website with your IP address, allowing Facebook to assign the visit to our website to your user account.

The information collected will be transmitted to a third country **without a sufficient level of security**.

- Purpose: We use the data received to display Facebook ads or for tracking features.
- Legal basis: see point 3.3. Cookies/web analytics service
- Retention period: see cookie list

Further information can be found in Facebook's privacy policy at <https://www.facebook.com/about/privacy/>.

3.4 Customer management, accounting, logistics and record keeping

- Purpose: processing personal data in connection with business relations of any kind with customers and suppliers, within the context of exercising a trade, including the systematic recording of all business transactions relating to income and expenditure.
- Legal basis: consent (Art. 6 para. 1 (a) EU GDPR), contract performance, required for the implementation of pre-contractual measures (Art. 6 para. 1 (b) EU GDPR), fulfilment of a legal obligation (Art. 6 para. 1 (c) EU GDPR), legitimate interests, in particular the defence, exercise and enforcement of legal claims (Art. 6 para. 1 (f) EU GDPR), explicit consent (Art. 9 para. 2 (a) EU GDPR).
- Retention period: until termination of the business relationship or expiry of the guarantee, warranty, statute of limitations and statutory retention periods (esp. BAO); in addition, until conclusion of any legal disputes for which the data is required as evidence.
- Recipients/categories of recipients: tax office, courts and authorities, suppliers, debt collection companies, banks, legal representatives, public accountants and tax

consultants, payroll accountants involved in payments to the data subject or third parties.

Providing your personal data is necessary for the performance of the contract or the implementation of pre-contractual measures. The conclusion of a contract without this data is excluded.

3.5 Customer support and marketing for internal purposes

- Purpose: Processing internal or acquired data on customers and prospective customers for the purpose of initiating business transactions relating to our delivery and service offerings, and for the implementation of advertising measures and the dispatch of our newsletter; customer relation management.
- Legal basis: consent (Art. 6 para. 1 (a) EU GDPR), contract performance, required for the implementation of pre-contractual measures (Art. 6 para. 1 (b) EU GDPR), fulfilment of a legal obligation (Art. 6 para. 1 (c) EU GDPR), legitimate interests, in particular the defence, exercise and enforcement of legal claims (Art. 6 para. 1 (f) EU GDPR), explicit consent (Art. 9 para. 2 (a) EU GDPR).
- The following data is processed for the dispatch of our newsletter via our website: master data
- Retention period: The data may be stored until the end of the third year from the last contact with the client, unless longer contractual or statutory retention periods exist.
- Recipients/categories of recipients: company of the analytics service/service provider

3.6 Video surveillance

- Purpose: protecting property and staff, safeguarding responsibility (performance of traffic safety obligations, contractual liability to customers etc.) and to prevent, contain and resolve criminal conduct, with processing limited exclusively to specific cases as defined by the respective purpose
- Legal basis: fulfilment of a legal obligation (Art. 6 para. 1(c) EU GDPR); legitimate interests (Art. 6 para. 1(f) EU GDPR); Section 12 para. 2 DSG as amended by the Data Protection Deregulation Act 2018; Section 80 of the Austrian Code of Criminal Procedure (StPO); Section 353 ff of the Austrian General Civil Code (ABGB); the assertion, exercise and enforcement of legal claims (Art. 6 para. 1 (f) EU GDPR); legitimate interests - transmission of records of criminal data to the competent law enforcement authorities for the purpose of legal prosecution (Art. 10 EU GDPR in conjunction with Section 4 para. 3 DSG)

- Retention period: The data is erased at most 72 hours after recording, unless a longer retention period is expressly stipulated by law, in an official legal act, in a works agreement, or with the consent of employee representatives. Where necessary, the data shall be stored until the respective incident has been dealt with, or until the data has been forwarded to the competent body.
- Recipients/categories of recipients: courts and authorities

3.7 Applicant management

- Purpose: to use and keep records of personal data of applicants, if such data has been provided by data subjects.
- Legal basis: consent (Art. 6 para. 1(a) EU GDPR), explicit consent (Art. 9 para. 2(a) EU GDPR), the assertion, exercise and defence of legal claims (Art. 9 para. 2(a) EU GDPR), legitimate interests (Art. 10 EU GDPR in conjunction with Section para. 3(2) DSG)
- Retention period: Applicant data is deleted immediately once the advertised position has been filled, or after expiry of the claim period under the Austrian Equal Treatment Act (7 months), unless consent has been given to keep records. Unsolicited applications are kept on record until withdrawn by the data subject.
- Recipients/categories of recipients: courts and authorities

3.8 E-commerce store (online shop), customer management, accounting, logistics and record keeping

- Purpose: processing personal data in connection with business relations of any kind with customers and suppliers, within the context of exercising a trade, including the systematic recording of all business transactions relating to income and expenditure.
- Legal basis: consent (Art. 6 para. 1 (a) EU GDPR), contract performance, required for the implementation of pre-contractual measures (Art. 6 para. 1 (b) EU GDPR), legitimate interests, in particular the defence, exercise and enforcement of legal claims (Art. 6 para. 1 (f) EU GDPR), explicit consent (Art. 9 para. 2 (a) EU GDPR), Section 96 para. 3 TKG 2003, explicit consent (Art. 49 para. 1 (a) EU GDPR), contract performance, required for the implementation of pre-contractual measures (Art. 49 para. 1 (b) EU GDPR), required for the conclusion or performance of a contract concluded in the interest of the data subject (Art. 49 para. 1 (c) EU GDPR), the assertion, exercise and defence of legal claims (Art. 49 para. 1 (e) EU GDPR).
- The following data is processed for the e-commerce store through our website:
master data
- Retention period: until termination of the business relationship or expiry of the guarantee, warranty, statute of limitations and statutory retention periods (esp. BAO); in addition, until conclusion of any legal disputes for which the data is required as evidence.

- Recipients/categories of recipients: tax office, courts and authorities, suppliers, debt collection companies, banks, legal representatives, public accountants and tax consultants, shipping providers involved in payments to the data subject or third parties

3.8.1 Payment methods

3.8.1.1 PayPal

PayPal is an online payment service provider. Payments are processed via so-called PayPal accounts, which represent virtual private or business accounts. In addition, PayPal offers the possibility to process virtual payments via credit cards if a user does not have a PayPal account. PayPal accounts are managed via an e-mail address, which is why there are no standard account numbers. PayPal allows you to make online payments to third parties or to receive payments from them. Moreover, PayPal takes on a fiduciary function and offers buyer protection services.

The European operating company of PayPal is PayPal (Europe) S.à.r.l. & Cie. S.C.A., 22-24 Boulevard Royal, 2449 Luxembourg, Luxembourg.

- Purpose: processing of online payments
- Legal basis: consent (Art. 6 para. 1 (a) EU GDPR), contract performance, required for the implementation of pre-contractual measures (Art. 6 para. 1 (b) EU GDPR).
- Recipients/categories of recipients: online payment service providers

Further information on the online payment service provider is available at:

<https://www.paypal.com/de/webapps/mpp/ua/privacy-full>.

3.8.1.2 Shopify Payments

This website uses Shopify Payments, a payment service provider for processing a wide variety of payment methods. Online payments can be made via credit card or via eps bank transfer.

The European operating company of Shopify Payments is Shopify International Limited, Victoria Buildings, 2nd floor 1-2 Haddington Road, Dublin 4, D04 XN32, Ireland.

Further information on the online payment service provider is available at:

<https://www.shopify.de/legal/datenschutz>

3.8.2 Customer account

- Purpose: facilitating orders by storing the shipping address and the preferred payment method; viewing your order history; tracking orders;
- Legal basis: consent (Art. 6 para. 1 (a) EU GDPR), contract performance, required for the implementation of pre-contractual measures (Art. 6 para. 1 (b) EU GDPR), legitimate interests (Art. 6 para. 1 (f) EU GDPR), Section 96 para. 3 TKG 2003.
- The following data is processed: master data, company name, user name, password, VAT number and company registration number, data for payment processing and payment methods.
- Retention period: until termination of the business relationship or expiry of the guarantee, warranty, statute of limitations and statutory retention periods (esp. BAO); in addition, until conclusion of any legal disputes for which the data is required as evidence.
- Recipients/categories of recipients: processors such as IT service providers, IT support, transport and logistics companies, banks, tax consultants, lawyers and insurance companies.

4. Information on data transfers to third countries or to international organisations

The data we process is not transferred to recipients in third countries or to international organisations.

5. Change management

The latest version of this Data Protection Statement is available on our website.

For questions regarding previous versions, please contact:

onlineshop@ooelkg.at.