

Privacy policy M-WLAN

1. Content of the privacy policy

Through this privacy policy we, the SWM Services GmbH hereafter SWM, would like to inform you which personal data we collect, process and use whenever you use our M-WLAN. Additionally, this privacy policy informs you about the rights as well as choice and objection possibilities you have regarding your personal information.

“Personal information” are all information related to an identified or an identifiable natural person.

2. Person in charge and data protection officer

2.1. Person in charge

The SWM Services GmbH, Emmy-Noether-Straße 2, 80992 München is responsible as per article 4 nr. 7 GDPR for the protection of your data, datenschutz.services@swm.de

2.2. Data protection officer

You can contact our data protection officer per mail at the above-mentioned address or per e-mail at datenschutz@swm.de

3. General information on data collection and scope of use

Insofar as we collect, process and use personal data, we comply with applicable legal requirements, especially the EU-General Data Protection Regulation (GDPR), the Bundesdatenschutzgesetz (BDSG) and the Telekommunikationsgesetz (TKG).

4. Processing of personal data

4.1. Use of the M-WLAN Free WiFi

If you use the M-WLAN without registering (M-WLAN Free WiFi), we will process the following personal data:

Master data:

- (random) User Account

Connection data:

- SSID
- Start and end point of the session
- MAC-Address
- IP-Address
- Authentication type
- Name of the entry network/area (location)
- Device name
- Operating System
- Version of the operating system
- Browser

- Received and sent Bytes
- Received and sent packages
- Preferred language

The legal basis is the execution of the contract according to our terms of use (Art. 6 para. 1 lit. b GDPR).

We store the connection data without further reason for up to 7 days after the end of use. We do this, on the one hand, to detect faults. The legal basis is the execution of the contract in accordance with our terms of use (Art. 6 para. 1 lit. b GDPR).

We also store the connection data in order to detect misuse. The legal basis is the performance of the contract in accordance with our terms of use (Art. 6 para. 1 lit. b GDPR) as well as our legitimate interest in protecting our offer from misuse (Art. 6 para. 1 p. 1 lit. f) GDPR, article 100 para. 3 TKG). We have weighed our interest against your interest and have determined that your interest does not prevail.

If we have actual evidence of unlawful use of the M-WLAN, we may also have a legitimate interest in storing the connection data for a longer period of time.

4.2. Use of the M-WLAN Secure WiFi

If you use the M-WLAN with registration (M-WLAN Secure WiFi), we will process the following personal data:

Master data:

- User Account
- E-mail address

Connection data:

- SSID
- Start and end point of the session
- MAC-Address
- IP-Address
- Authentication type
- Name of the entry network/area (location)
- Device name
- Operating System
- Version of the operating system
- Browser
- Received and sent Bytes
- Received and sent packages
- Preferred language

The legal basis is the execution of the contract according to our terms of use (Art. 6 para. 1 lit. b GDPR).

We save the master data for the duration of your registration. According to our Terms of Use, we delete your master data after 180 days of inactivity. Legal basis is the execution of the contract according to our terms of use (Art. 6 para. 1 lit. b GDPR).

We store the connection data without further reason for up to 7 days after the end of use. We do this, on the one hand, to detect faults. The legal basis is the execution of the contract in accordance with our terms of use (Art. 6 para. 1 lit. b GDPR).

Additionally, the processing serves to detect misuse. The legal basis is the performance of the contract in accordance with our terms of use (Art. 6 para. 1 lit. b GDPR) as well as our legitimate interest in protecting our offer from misuse (Art. 6 para. 1 p. 1 lit. f) GDPR, article 100 para. 3 TKG). We have weighed our interest against your interest and have determined that your interest does not prevail.

If we have actual evidence of unlawful use of the M-WLAN, we may also have a legitimate interest in storing the connection data for a longer period of time.

4.3. Your contact to us

When you contact us by e-mail or via a contact form, we store the personal data you provide (your e-mail address, name and telephone number, if applicable) in order to answer your questions. We delete the personal data accruing in this context after the storage is no longer necessary or restrict the processing if there are legal retention obligations.

We have a legitimate interest in responding to your contact and processing the data required for this purpose (Art. 6 para. 1 p. 1 lit. f) GDPR). We have weighed our interest against your interest and have determined that your interest does not prevail.

4.4. Anonymization for the purpose of evaluation

Instead of deletion, we can anonymize connection data to create aggregated evaluations about the use of the M-WLAN, e.g., for the state capital of Munich. For example, we analyze at which locations (e.g. Sendlinger Tor) the M-WLAN is used and to what extent.

We have a legitimate interest in analyzing the use of our free service and anonymizing the connection data for this purpose (Art. 6 (1) p. 1 lit. f) GDPR). We have weighed our interest against your interest and have determined that your interest does not prevail.

5. Transfer to third parties

5.1. Order processor

For the operation of the M-WLAN, we may use technical service providers by way of commissioned processing (Art. 28 GDPR).

5.2. Further third parties

We pass on personal data collected via the M-WLAN to state institutions, authorities and courts if we are obliged to do so (Art. 6 (1) p. 1 lit. c) GDPR) or if this is necessary for efficient legal defense or assertion of rights (Art. 6 (1) p. 1 lit. f) GDPR).

6. Transfer to non-EU countries

We do not transfer your data to countries outside the European Union (EU) or the European Economic Area (EEA).

7. Security

We secure the M-WLAN and other systems by technical and organizational measures against loss, destruction, access, modification or distribution of your data by unauthorized persons.

If you use the M-WLAN without registering (M-WLAN Free WiFi), the wireless data transmission between the M-WLAN and your WLAN-enabled device is not encrypted in accordance with our terms of use. Therefore, it cannot be ruled out that third parties gain unauthorized access to the data to be transmitted via WLAN. For sensitive data, you should use appropriate security software (e.g., VPN software).

8. Your rights

According to Art. 15 GDPR, you have the right to request information at any time about which personal data we have stored about you. This also includes the recipients or categories of recipients to whom this data is passed on and the purpose of the storage. You may at any time, under the conditions of Art. 16 GDPR demand the correction and/or under the conditions of Art. 17 GDPR the deletion and/or under the conditions of Art. 18 DSGVO the restriction of processing. Furthermore, you may request data transfer at any time in accordance with Art. 20 GDPR.

You have the right to object to the processing of your personal data if the conditions set out in Art. 21 GDPR are met.

You can exercise your data protection rights vis-à-vis: SWM Services GmbH, Emmy-Noether-Straße 2, 80992 München, datenschutz@swm.de

Additionally, according to Art. 77 GDPR, you have the possibility to lodge a complaint with a data protection supervisory authority.

Right to revoke consent: You can revoke consent to the processing of your data at any time for the future. This also applies to declarations of consent given before the GDPR came into force, i.e. before 25.05.2018. Please address your revocation to: SWM Services GmbH, Emmy-Noether-Straße 2, 80992 München, datenschutz.services@swm.de.

9. Storage period

We delete your personal data as soon as they are no longer required for the purposes for which they were collected, unless their - temporary - further processing is necessary for:

- Fulfillment of statutory retention obligations, which may arise from Section 257 of the German Commercial Code (HGB) and Section 147 of the German Fiscal Code (AO). The periods specified therein are up to ten years. The legal basis for this data processing is Art. 6 para. 1 p. 1 c) GDPR.
- Preservation of evidence within the framework of statutory limitation provisions. According to Sections 195 et seq. of the German Civil Code (BGB), these limitation periods can be up to 30 years, with the regular limitation period being three years. The legal basis for this data processing is Art. 6 para. 1 p. 1 f) GDPR.

10. Automated decision making

Generally, we do not use automated decision-making pursuant to Art. 22 GDPR. Should we use these procedures in individual cases, we will inform you about this separately within the framework of the legal provisions.

11. Change clause

As our data processing is subject to change and the legal situation may change, we will also adapt our data protection notice from time to time.

Status of this data protection notice: 22.12.2020