

**DATA PROTECTION STATEMENTS for carrying out COVID-19 PCR tests  
of Flughafen Wien AG and Laboratory Doz. DDr. Stefan Mustafa**

Version dated: 8 August 2020

The outpatient clinic [*Ambulanz*] of Flughafen Wien AG (hereinafter "FWAG") and the medical chemical laboratory of DDr. Stefan Mustafa, partner of Greiner und Partner OG (hereinafter "Laboratory Dr. Mustafa") are separate controllers as defined in Article 4 (7) of the General Data Protection Regulation ("GDPR") with respect to processing of patient data in connection with COVID-19 PCR tests carried out at Vienna International Airport (for details see the following data protection statements).

The following Data Protection Statements serve the purpose of compliance with the requirements of Articles 13 and 14 GDPR and inter alia describe the types of personal data processed in connection with COVID-19 PCR tests, the purposes for which we process personal data and the third parties with whom data is exchanged. In addition, you will be informed about your rights with regard to your personal data and the details on how to contact us.

**DATA PROTECTION STATEMENT of Flughafen Wien AG**

Version dated: 8 August 2020

The outpatient clinic [*Ambulanz*] of Flughafen Wien AG (hereinafter "FWAG") is controller as defined in Article 4 (7) of the General Data Protection Regulation ("GDPR") with respect to processing of patient data. This Data Protection Statement serves the purpose of compliance with the requirements of Articles 13 and 14 GDPR in connection with COVID-19 PCR tests.

**I. Who is the controller responsible for data processing?**

The controller is:

Flughafen Wien AG, P.O. Box 1, A-1300 Vienna Airport

You may contact us: by phone: +43 1 7007 0 or by email: [datenschutz@viennaairport.com](mailto:datenschutz@viennaairport.com)

**II. What personal data does FWAG process?**

Personal data means any information relating to you as a person. As a medical facility (the outpatient clinic of Flughafen Wien AG) we mainly deal with so-called special categories of personal data. These include, above all, health data, i.e. personal data relating to the physical or mental health of natural persons, including the provision of health services, which reveal information about their state of health.

In the course of having a COVID-19 PCR test carried out, FWAG processes a large number of categories of personal data about you, including but not limited to your contact details, your date of birth, your nationality, your gender and your health data (e.g. respiratory samples, such as throat swabs, nose-throat swabs and throat rinsing liquid; information about your state of health). As a matter of principle we process only personal data which is required to fulfil the contract (carrying out of a COVID-19 PCR test).

### **III. For what purpose and on what legal basis does FWAG process your personal data?**

FWAG processes your personal data listed in Section II in compliance with the provisions of the GDPR for the purpose of carrying out COVID-19 PCR tests (the legal basis is Article 9(2)(h) GDPR). FWAG collects your data by means of the application form to be completed, carries out the nose-throat swabs, transfers the respiratory samples to the laboratory and is responsible for the billing.

### **IV. Where does your personal data come from?**

FWAG collects your data by means of the application form to be completed and carries out the nose-throat swabs.

### **V. To whom does FWAG transfer your personal data?**

In performance of the master agreement for carrying out COVID-19 PCR tests FWAG will transfer your personal data in an encrypted form to the Laboratory Dr. Mustafa. Vienna Airport Health Center GmbH, 1300 Vienna-Airport, Austria („VHC“) acts as processors.

### **VI. How long will your personal data be stored?**

The personal data listed in Section II. (including but not limited to medical report data) will be stored as long as it is necessary for carrying out COVID-19 PCR tests and, in addition, as long as it is permitted by law. Usually your personal health data stated in Section II. will be stored for 10 years as defined in Section 51 (3) of the Austrian Medical Doctors Act [*Ärztegesetz/ÄrzteG*]. In addition, we store your personal data in accordance with other statutory retention periods (including the mandatory retention period under tax law as defined in Section 132 (1) of the Austrian Fiscal Code [*Bundesabgabenordnung/BAO*]: 7 years; and in addition, as long as it is relevant for the tax authority in pending cases; the mandatory retention period under business law pursuant to Section 190 and Section 212 of the Austrian Business Code [*Unternehmensgesetzbuch/UGB*]: 7 years; the mandatory retention period under VAT law for invoices in accordance with Section 11 (2) of the Austrian Statute on Value Added Tax [*Umsatzsteuergesetz/UStG*]: 7 years).

### **VII. What data protection rights do you have?**

You have a right to access to information pursuant to Art 15 GDPR, the right to rectification pursuant to Art 16 GDPR, the right to erasure pursuant to Art 17 GDPR, the right to restriction of processing of data pursuant to Art 18 GDPR, the right to objection pursuant to Art 21 GDPR and the right to data portability pursuant to Art 20 GDPR. You have the right to withdraw your previously given consent at any time, which shall not affect the lawfulness of processing based on consent before its withdrawal. In addition, you have the right to lodge a complaint with the competent data protection authority (Art 77 GDPR). For more detailed information about your rights please see: <https://www.dsb.gv.at/rechte-der-betroffenen>.

Please assert your rights as a data subject in connection with swabs and billing via [datenschutz@viennaairport.com](mailto:datenschutz@viennaairport.com). Please assert your rights as a data subject in connection with laboratory services and sending of medical reports via [office@labor-mustafa.at](mailto:office@labor-mustafa.at) (for details see the following "Data Protection Statement of Laboratory Doz. DDr. Stefan Mustafa").

The competent data protection authority for Austria is the Data Protection Authority [*Datenschutzbehörde*], Barichgasse 40-42, 1030 Vienna (<https://www.dsb.gv.at/>).

## **Data Protection Statement of Laboratory Doz. DDr. Stefan Mustafa**

Version dated: 8 August 2020

The medical chemical laboratory of DDr. Stefan Mustafa, partner of Greiner und Partner OG (hereinafter "Laboratory Dr. Mustafa"; together referred to as "we" or "us") is controller as defined in Article 4 (7) of the General Data Protection Regulation ("GDPR") with respect to processing of patient data (for details see Section I).

This Data Protection Statement inter alia describes the types of personal data processed by us, the purposes for which we process personal data and the third parties with whom we exchange data. In addition, you will be informed about your rights with regard to your personal data and the details on how to contact us.

This Data Protection Statement serves the purpose of compliance with the requirements of Article 14 GDPR in performance of the master agreement with FWAG for carrying out COVID-19 PCR tests.

### **I. Who is the controller responsible for data processing?**

1. The controller is:

Doz. DDr. Stefan Mustafa, specialist in medical and chemical laboratory diagnostics, Ziehrerplatz 9; 1030 Vienna

2. You may contact us: by phone: +43 1 7139 188 or by email: [office@labor-mustafa.at](mailto:office@labor-mustafa.at)

### **II. What personal data do we process?**

Personal data means any information relating to you as a person. As a laboratory and medical facility we mainly deal with so-called special categories of personal data. These include, above all, health data, i.e. personal data relating to the physical or mental health of natural persons, including the provision of health services, which reveal information about their state of health.

When you use our services of medical laboratory diagnostics in the course of having a COVID-19 PCR test carried out, we process a large number of categories of personal data about you, including but not limited to your contact details, your date of birth, your nationality, your gender and your health data (e.g. respiratory samples, such as throat swabs, nose-throat swabs and throat rinsing liquid; information about your state of health). As a medical diagnostic laboratory we may process further personal data if necessary. On request we inform you, which further data we process.

As a matter of principle we process only personal data which is required to fulfil the contract between FWAG and you (carrying out of a COVID-19 PCR test).

### **III. For what purpose and on what legal basis do we process your personal data?**

We process your personal data listed in Section II in compliance with the provisions of the GDPR for the purpose of carrying out COVID-19 PCR tests and to send the medical reports to you via LABUNIQ in performance of the master agreement between FWAG and Laboratory Dr. Mustafa (the legal basis is your consent according to Article 9(2)(a) GDPR).

#### **IV. Where does your personal data come from?**

FWAG transfers the required data to the laboratory in an encrypted form via LABUNIQ so that your medical reports can be prepared and transmitted.

#### **V. To whom do we transfer your personal data?**

In performance of the master agreement for carrying out COVID-19 PCR tests your personal data will be transferred to FWAG. LABUNIQ Servicegesellschaft mbH („Labuniq“) acts as processors.

#### **VI. How long will your personal data be stored?**

We process and store your personal data according to the following criteria:

##### **1. As required by law:**

The personal data listed in Section II. (including but not limited to medical report data) will be stored as long as it is necessary for carrying out COVID-19 PCR tests and, in addition, as long as it is permitted by law. Usually your personal health data stated in Section II. will be stored for 10 years as defined in Section 51 (3) of the Austrian Medical Doctors Act [*Ärztengesetz/ÄrzteG*]. In addition, we store your personal data in accordance with other statutory retention periods (including the mandatory retention period under tax law as defined in Section 132 (1) of the Austrian Fiscal Code [*Bundesabgabenordnung/BAO*]: 7 years; and in addition, as long as it is relevant for the tax authority in pending cases; the mandatory retention period under business law pursuant to Section 190 and Section 212 of the Austrian Business Code [*Unternehmensgesetzbuch/UGB*]: 7 years; the mandatory retention period under VAT law for invoices in accordance with Section 11 (2) of the Austrian Statute on Value Added Tax [*Umsatzsteuergesetz/UStG*]: 7 years).

##### **2. Based on your consent:**

We store your personal data listed in Section II (in particular the medical reports), which are processed on the basis of your consent until its withdrawal, unless we are obligated to store the data because of legal provisions.

#### **VII. What data protection rights do you have?**

You have a right to access to information pursuant to Art 15 GDPR, the right to rectification pursuant to Art 16 GDPR, the right to erasure pursuant to Art 17 GDPR, the right to restriction of processing of data pursuant to Art 18 GDPR, the right to objection pursuant to Art 21 GDPR and the right to data portability pursuant to Art 20 GDPR. You have the right to withdraw your previously given consent at any time, which shall not affect the lawfulness of processing based on consent before its withdrawal. In addition, you have the right to lodge a complaint with the competent data protection authority (Art 77 GDPR). For more detailed information about your rights please see: <https://www.dsb.gv.at/rechte-der-betroffenen>.

Please assert your rights as a data subject in connection with swabs and billing via [datenschutz@viennaairport.com](mailto:datenschutz@viennaairport.com) (for details see the above "Data Protection Statement of Flughafen Wien AG". Please assert your rights as a data subject in connection with laboratory services and sending of medical reports via [office@labor-mustafa.at](mailto:office@labor-mustafa.at).

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