

# Privacy statement OVpay EBS & Translink

(29 juli 2022)

## Introduction

The nine Dutch public transport operators<sup>1</sup> and Translink are together introducing a new option for travelling by public transport: purchasing a (Transport) Ticket by checking-in and checking-out using your Debit Card or Credit Card. We are doing this in collaboration with a number of payment services<sup>2</sup>. These payment services activate your Debit Card or Credit Card with a public transport travel function in the Netherlands. You pay for your journeys via the Bank Account associated with your Debit Card or via the spending limit on your Credit Card.

If travelling by checking in and out using your Debit or Credit Card, you and EBS Public Transportation (hereafter 'EBS') enter into a transport agreement to which the [General Terms and Conditions of Urban and Regional Transport] [AVR-NS] and the 'OVpay Check-in/out Conditions Using your Debit Card and Credit Card' apply. The Processing of your Personal Data is necessary in order to execute these conditions. It lets you travel and pay with your Debit or Credit Card on public transport in EBS. EBS and Translink can also provide you with services.

If you do not want EBS and Translink to have the necessary Personal Data, you will not be able to travel and pay with your Debit or Credit Card, and will have to use another regular (Transport) Ticket.

The processes have been designed on the basis of Privacy by Design. This means that Translink and the Public transport operators have designed and set up the system in such a way as to protect your privacy as a passenger as much as possible.

## Pseudonymisation, re-identification and use of tokens

Immediately after you have checked in, the unique identification number ('PAN') of your Debit Card or Credit Card will be Pseudonymised. Each Debit or Credit Card is allocated its own unique number, a so-called token. These unique tokens are used for various purposes including travel, payment, service, inspection and overview reports.

The Generic Back Office ('GBO') allocates each Public transport operator its own unique identification numbers for the tokens, so that the Public transport operators have no mutual insight into the travel patterns of passengers using a Debit or Credit Card with other Public transport operators. The GBO is Translink's central administration system where, among other things, Translink registers on behalf of the Public transport operators Tickets, calculates the price that a journey costs, and keeps track of the total amount for which you have travelled that day.

Pseudonymised data cannot be traced back to your Debit or Credit Card details without additional information. This Pseudonymisation is a measure to reduce the risks for travellers in relation to the Processing of your Personal Data. There is a risk, however, that by combining this with other data, an organisation may still be able to identify which Debit or Credit Card belongs to the pseudonym. This may make it possible to review the travel history of a Debit or Credit Card.

The Public transport operators and Translink have designed the processes on the basis of Privacy by Design and have come to arrangements to prevent the risk of re-identification.

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<sup>1</sup> Arriva, Connexxion, EBS, GVB HTM, Keolis, NS, Qbuzz and RET. See [ovpay.nl](https://ovpay.nl) for the latest listing.

<sup>2</sup> Maestro, Mastercard, VPAY and VISA. See [ovpay.nl](https://ovpay.nl) for the latest listing.

## Glossary

As travelling using your Debit Card or Credit Card is new, we may use terms with which you are not (yet) familiar. For your convenience, we have listed these terms and their meanings below.

**App:** a mobile application developed and offered by a Public transport operator or Public transport operators and Translink jointly (OVpay) that allows Passengers with a Debit Card or Credit Card to consult their online account, link the Debit Card and/or Credit Card to it, and thus, for example, to easily view their travel transactions and payments and submit service requests. Use of an App is subject to the terms and conditions of use of the relevant App.

**AVR-NS:** the terms and conditions of NS (general terms and conditions for the carriage of Passengers and hand luggage of Nederlandse Spoorwegen)

**Bank:** a financial institution that provides payment services and holds the Bank Account to which the Debit Card used by the Passenger on public transport is linked.

**Public transport operator(s):** the Dutch public transport operators listed on the OVpay.nl website that accept the Contactless OV payment described in these Terms and Conditions, as a method of payment for use of their transport services.

**Controller:** a natural or legal person, a government agency, a service or another body that, alone or together with others, determines the purpose of and means for Processing Personal Data as defined in the GDPR.

**Credit Card:** a contactless card issued by the Credit Card Company with which the passenger uses and pays for public transport.

**Credit Card Company:** a financial institution offering payment services and which has issued the Credit Card to you.

**Debit Card:** a contactless card issued by the Bank for payment (physical or virtual on a smart device) that the Passenger uses and pays for public transport by checking in and out at designated card readers at stations, stops and in vehicles.

**General Terms and Conditions of Urban and Regional Transport:** the General Terms and Conditions for the use of public urban and regional transport by bus, tram, light rail, metro and regional public transport by train.

**Generic Back Office ('GBO'):** Translink's digital back office where, among other things, (Transport) Tickets are registered, fare prices are calculated and the daily total of trips and journeys are recorded.

**Joint Controller:** If two or more Controllers jointly determine the purposes and means of the Processing, they are Joint Controllers as defined in the GDPR.

**Payment Card Industry Data Security Standard ('PCI DSS'):** an information security standard for organisations handling Debit Cards or Credit Cards of the card schemes.

**Personal data:** any information regarding an identified or identifiable natural person as defined in the GDPR.

**Processing:** an operation or set of operations relating to Personal Data or a set of Personal Data, whether carried out by automated processes or not as defined in the GDPR.

**Processor:** a natural or legal person, a government agency, a service or another body that Processes Personal Data on behalf of the Controller as defined in the GDPR.

**Pseudonymisation:** the Processing of Personal Data in such a way that the Personal Data cannot be linked to a traveller without the use of additional data, provided that this additional data is stored separately, and technical and organisational measures have been taken to ensure that the Personal Data is not linked to an identified or identifiable traveller as defined in the GDPR.

**Reference number:** this is a code comprising a combination of fourteen letters and numbers, created uniquely for each payment. This code is linked to the amount that is debited from your Bank Account or spending limit.

**Technical Debit Card or Credit Card data:** this technical data consists of the numbers of the Debit Card or Credit Card, namely the PAN, the PAN serial number, and the validity date of the Debit Card or Credit Card. The PAN is a unique Debit Card or Credit Card identification number. The PAN serial number is contained in the chip of the Debit Card or Credit Card and is not visible.

**(Transport) Ticket:** the Ticket that provides valid access to the train, bus, tram and metro and that has been purchased by the passenger by checking in for each journey with EBS with the Debit Card or Credit Card used to travel. A (Transport) Ticket is only valid if it meets all the requirements set out in the General Terms and Conditions of Urban and Regional Transport or AVR-NS (in case of travelling with the NS).

**Translink:** Trans Link Systems B.V., having its registered office and principal place of business in Amersfoort.

**Travel day:** the period which starts at 00.00 hour and ends next day at 03.05 hour.

## How does travelling and paying with a Debit Card or Credit Card work?

### **A. Travel**

When checking in with your Debit or Credit Card, the card reader will read the technical data from your Debit or Credit Card. Here we check whether the Debit or Credit Card can be used to travel, and will inform you accordingly via the card reader. Holding your Debit or Credit Card at a card reader is called a “tap”.

If you are able to travel using a Debit or Credit Card, personal data will be sent to the GBO at Translink when you check in and out using the card readers of the Public transport operator with which you are travelling. In addition to the technical details of your Debit or Credit Card, this includes the date, time and stop or station where you boarded or alighted. This information is used to compile your journey and to calculate your fare.

#### **First time travelling with your Debit or Credit Card**

The first time you check in with your Debit or Credit Card, an automatic check is made to determine whether that Debit or Credit Card is suitable for travel. This also occurs if you have not used the Debit or Credit Card in question for travel for 14 days, and then check in again.

The GBO will also check at the Bank or Credit Card Company that holds your Debit or Credit Card if the card has been blocked. If blocking is the case, the Public Transport travel function of the Debit or Credit Card will then be blocked (temporarily), and you will not be able to use it for travel. This is a decision of the Bank or Credit Card Company. The Public transport operators and Translink cannot change this.

#### **Travelling with your Debit or Credit Card**

Every time you check in with your Debit or Credit Card, an automatic check will be made against a deny list at Translink to ensure that the Debit or Credit Card has not been blocked (temporarily). The deny list is managed in the GBO and distributed to Public transport operators. A Debit or Credit Card will be added to the deny list by Translink if:

- the Debit or Credit Card is on an alert list of the Bank or Credit Card Company, e.g. because it is listed as stolen or missing
- settlement for the Debit or Credit Card has not been made for the use of public transport, e.g. because the balance or spending limit on your Bank Account or Credit Card was insufficient at the time of settlement.

### **B. Paying**

Based on checking in and out with the Debit or Credit Card, the GBO will calculate the fare for the journeys you make. During the night following the day on which you travelled, the amount due for all the journeys you made in one day is presented in one sum to the Bank or Credit Card Company.

To process the payment, Translink provides the Technical Debit Card or Credit Card details and the Reference number to the Bank or Credit Card Company.

Upon successful payment, you can see the amount debited on your (digital) account statement. You will receive your unique Reference number for each day you travelled, on your (digital) account statement. A Reference number is preceded by the letters ‘NLOV’. You can find your digital account statement by logging in to your secure Banking environment.

In contrast to aforementioned, the amount due for the journeys made will be debited during the Travel day, instead of during the night following the Travel day, if the amount surpasses a predetermined limit as set by the Public transport operators. The amount due for all journeys will then directly be debited against your balance or spending limit. After a successful payment any other journeys you will make will be presented to the Bank or Credit Card Company during the night following your Travel day, unless the predetermined limit will be surpassed again.

## Summary reports

Translink records all check-ins and check-outs in the GBO and creates the journey reconstruction and the determination of the fare. Translink, together with financial institution EMS and your Bank or Credit Card Company, handles the payment for the journeys you have made with your Debit or Credit Card. Translink also ensures that EBS and the other Public transport operators receive all payments daily for the journeys made.

All Public transport operators receive daily summary reports from Translink in order to check the accuracy of their own payments. These are reports on transactions (such as check-in or check-out), journeys (combining a check-in with a check-out) and payments relating to the specific Public transport operators

## An unsuccessful payment

If payment is unsuccessful, for example because the balance or spending limit is too low, we will block the travel function associated with the Debit or Credit Card temporarily. You can then no longer travel with your Debit or Credit Card until the outstanding amount has been paid.

The GBO may issue repeated payment requests to debit the amount due from your account or spending limit within a period of 62 calendar days. The (temporary) block will be lifted if the payment is successful.

During this period as well as afterwards as a traveller you can also pay the outstanding amount yourself. To do so, you have to offer your Debit or Credit Card to a card reader of a Public transport operator. Via the GBO a payment request will be made to your Bank or Credit Card Company. As a traveller, you can also pay the outstanding amount yourself. If the payment succeeds, you will then be able to travel again with your Debit or Credit Card approximately 15 minutes later.

## (Temporary) block on travel use

The (temporary) block on using a Debit or Credit Card to travel can be checked by offering your Debit or Credit Card to a card reader of a Public transport operator and pay notice to the notification on the display or by contacting OVpay Customer care.

While any travel use of the Debit or Credit Card is blocked, you can of course always use another regular (Transport) Ticket for travelling by public transport.

## C. Service

We do understand that you may have questions about a journey, invoiced costs or a missed check-in or check-out. Or perhaps you'd like to see all the previous journeys you have undertaken. You can view and request (parts of) your journeys in the EBS App or via the EBS Customer care, with a Reference number and the corresponding amount. You can also view and request (parts of) your journeys through the OVpay website, OVpay App and OVpay Customer care.

For us to help you, you will need to have the Reference number in combination with the corresponding amount of your account debit. We do not know your debit or credit card number, nor can we search your IBAN.

The Reference number is created uniquely for each payment for which your Debit or Credit Card is used. On your (digital) account statement you will receive your unique Reference number for the journeys related to that specific payment (linked to one Travel day). This means that if you share this Reference number and corresponding amount with another person or organisation, that person or organisation is also able to view the journeys you have made.

## App and website

Within both the EBS App and the OVpay App, you can link your Debit or Credit Card to the App. You first create an account with your own password. Based on a Reference number and corresponding amount, you can then use the EBS app to view your EBS travel history for the past 18 months.

Among the items you can view in the OVpay app is all the travel history of the journeys you have made in the past 18 months using your Debit or Credit Card for all public transport services. In your account of a Public transport operator (web or App) you can only view the journeys you made with that Public transport operators using your Debit or Credit Card, also for the past 18 months.

On the ovpay.nl website, with a Reference number and corresponding amount, you can only view the journeys relating to that specific payment.

### **Customer care**

Questions about travelling with a Debit or Credit Card can be put to the Customer care of EBS or the OVpay Customer care. Customer care employees cannot view your Debit or Credit Card details, or the details of your payment account.

A Customer care representative will always ask specifically for your details if this is necessary in order to answer your questions. The Customer care staff may ask for your Reference number and the corresponding debit amount, depending on the questions you ask.

### **Cross Service**

The Public transport operators and Translink have signed mutual agreements so that EBS can also help you with questions about a journey with other Public transport operators. It has been agreed that you may contact the Customer care services of any Public transport operator with questions concerning all the journeys and transactions you have made over the past 62 days. Questions about a missed check-in or check-out can be put to the Customer care of OVpay. The Customer care staff may ask for your Reference number and the corresponding debit amount, depending on the questions you ask.

### **D. Inspection**

Everyone using public transport must have a valid Ticket. If you check in with your contactless Debit or Credit Card, your Transport Ticket has been linked to your Debit or Credit Card via a registration in the GBO. Special detection inspectors ('BOA' in Dutch) conduct regular checks in the vehicles/carriages and at stops and stations, to ensure that passengers have a valid Ticket. If a ticket inspector wishes to check your Ticket, you must present your Debit or Credit Card to the inspector's ticket reader. The technical data of your Debit or Credit Card are read and used in accordance with the PCI DSS information security standard.

To enable the inspector to provide you with courtesy and/or service, the inspector will ask your specific permission to do this. The inspector can then view the last ten actions involving the use of your Debit or Credit Card for public transport on their device (up to a maximum of 62 days ago). This data is displayed on the device for a maximum of five minutes, but will disappear earlier if another Debit or Credit Card is held against the card reader.

#### **Basis for the processing**

When you check in and out with EBS using a Debit or Credit Card, the basis for the Processing of Personal Data is the performance of an agreement. This is a transport agreement to which the [General Conditions of Urban and Rural Transport] [AVR-NS] and the 'OVpay Check-in/out Terms and Conditions using your Debit Card and Credit Card' apply.

The provision of Cross Service (see C. Service/Cross Service) is based on the legitimate interests of the Public transport operators and Translink. The Public transport operators and Translink would like your questions to be answered as well and as efficiently as possible via just one service point rather than several. It is in your interests as a traveller, as well in the interests of the Public transport operators and Translink, that we can handle your questions about travelling with several Public transport operators properly and efficiently. Our service staff are only given access to the data they need to answer your questions.

## Who are the Processors? What Personal Data do we use?

Your Personal Data is Processed by: EBS and Translink. EBS, the other Public transport operators and Translink are Joint controllers for processing Personal Data relating to travel using your contactless Debit or Credit Card, for the following processes and the associated Personal Data:

Process	Purpose	Personal data	Retention period
<b>Tapping</b> Statutory basis: performance of contract	Status check Debit/Credit Card and validation of travel transaction	Technical Debit Card data (PAN, PAN serial number and validity date); Tap data	24 hours maximum
<b>Processing taps (Transaction processing)</b> Statutory basis: performance of contract	Processing of taps; Qualifying of taps: tap-in/ tap-out/ tap driven debt recovery; Compiling journeys based on check-in/check-out; setting the price for a journey; preparing travel transaction data/ tap driven debt recovery for payment	Technical Debit Card data (PAN, PAN serial number and validity date); pseudonymised-display tokens derived from technical Debit Card; Travel transaction data	18 months
<b>Central traveller support (self-service) – without service account</b> Statutory basis: performance of contract	Providing passengers with insight into travel and payment transactions and outstanding debt via OVpay website Facilitating missed check-out via website	Reference number; Payment transaction data; Outstanding debt; Travel transaction data (such as check-in/check-out; date/time; location; means of transport; journeys and prices per journey)	Until service is provided; no data is left behind on the website
<b>Central traveller support (self-service) – with service account</b> Statutory basis: performance of contract	Providing passengers with insight into travel and payment transactions and outstanding debt via OVpay	Username and password (2FA); Reference number; Payment transaction data; Outstanding debt; Travel transaction data	Until service is provided; no data is left behind in the app
<b>Central traveller support (self-service) – with service account at Public transport operator</b> Statutory basis: performance of contract	Providing passengers with insight via website/ app Public transport operator into: travel and payment transactions and outstanding debt via OVpay	Reference number; Payment transaction data; Outstanding debt; Travel transaction data	Until service is provided; no data is left behind on the website or in the app
<b>Decentralised passenger support service – Cross Service</b> Legal basis: legitimate interests of Public transport operators and Translink	Via Customer care (counter or telephone) of public transport operator (Cross Service) to inform data subjects about: outstanding debt; travel transactions and payment transactions at respective Public transport operator (last 18 months) outstanding debt and related journeys at (eventually) other Public transport operators	Reference number; Payment transaction data; Outstanding debt; Travel transaction data	Until service is provided – public transport operator's Customer care only has view on transaction data
<b>Inspection/checking of valid ticket</b> Statutory basis: performance of contract	i) Checking whether a passenger has a valid electronic Ticket when using public transport (based on check-in/check-out with Debit or Credit Card, requesting the GBO); ii) If there is no valid check-in, verification of the last ten public transport transactions with the same payment card in order to determine follow-up action by the public transport operator ('granting discharge')	Technical Debit Card data (PAN, PAN serial number and validity date); pseudonymisation tokens; Travel transaction data	Data will automatically be deleted as soon as the inspection device receives a reply that the Debit Card has been checked in/out and 5 minutes have passed, another Debit Card is presented for inspection, or the inspection (app) is closed.
<b>Mobile service to passengers</b> Statutory basis: consent	Upon request from a passenger, the inspector can scan the Debit or Credit Card to provide information on the last ten travel transactions made on public transport using the same Debit Card	Technical Debit Card details (PAN, PAN serial number and validity date); pseudonymisation tokens; Travel transaction data	

## With whom do we share your data?

EBS, the other Public transport operators and Translink, make use of the services of Processors. We always sign written agreements with external parties (such as IT suppliers) who process Personal Data on our behalf. We do this by entering into a so-called 'processor's agreement', in which among other things we stipulate agreements about the security of your Personal Data and about the use of the Personal Data.

Translink engages the services of EMS ([www.emspay.nl](http://www.emspay.nl)) for handling payments with your Bank or Credit Card Company. To process the payment, Translink provides the Technical Debit or Credit Card details and the Reference number to the financial institution. EMS Processes this data in its capacity as Processor.

In certain cases, the Public transport operators and Translink have the obligation based on legal obligations to share your data with third parties.

## Security of the Personal Data

EBS, the other Public transport operators and Translink will secure your Personal Data, for example against unauthorised access, loss and theft. EBS, the other Public transport operators and Translink all have policies in place for making public transport payments using the Debit or Credit Card in such a way that an appropriate level of security is applied by default.

The Public transport operators and Translink apply PCI DSS for the security of Debit or Credit Card details. This is an international information security standard drawn up by Banks and Credit Card companies. The standard seeks to protect payment card details and prevent misuse of card information and, by extension, damage.

Your Technical Debit or Credit Card details will only be processed in card readers at EBS and in the Translink GBO in pseudonymised form.

## Automated decision-making

Automated decisions are taken in two cases: when a fare is still owed, and when a Debit or Credit Card has been blocked by a Bank or Credit Card Company.

### **A fare that is still owed**

As a passenger you always have to pay the fare that is due. If your Bank or Credit Card Company is unable to process your payment, the travel function of the Debit or Credit Card will automatically be blocked (temporarily). You can then still check out for a journey, but you cannot check in (again) for a journey.

If the travel function of the Debit or Credit Card is blocked due to insufficient balance or spending limit, you cannot check in again with this Debit or Credit Card until your debt has been settled. Repeated attempts may be made to debit your account or spending limit within a period of 62 calendar days. You can also offer your Debit or Credit Card to a card reader of a Public transport operator. Your check-in will be refused (showing an error on the display), but another attempt will be made to debit your account or spending limit. If the payment succeeds, you will then be able to check in and travel again approximately 15 minutes later.

You may object to this automated decision whereby your Debit or Credit Card is blocked (temporarily). The reason for blocking the Debit or Credit Card will be reviewed by OVpay Customer care, and the card will be unblocked if warranted.

### **Debit or Credit Card blocked by a Bank or Credit Card Company**

If a Debit or Credit Card, which has been used in public transport, has been reported stolen or missing by a Bank or Credit Card Company, or if there is another reason why the card has been blocked (temporarily) by the Bank or Credit Card Company, the travel function of the Debit or Credit Card will also automatically be blocked (temporarily).

This is also part of the General Terms and Conditions for using your Debit or Credit Card that you have agreed with your Bank or Credit Card Company.

The Public transport operators and Translink cannot change this (temporary) block. If you have any questions about this, please contact your Bank or Credit Card Company.

Contact point for questions regarding, or exercising your privacy rights, when travelling with a contactless Debit Card or Credit Card

### **Questions**

If you have any questions about the Processing of your Personal Data relating to travel with a Debit or Credit Card, you can contact the existing contact points at EBS and Translink. If you have any questions, you can contact EBS or Translink in the manner described in the EBS section.

In principle, EBS and Translink can only answer specific questions or fulfil your rights by using the features of your Debit or Credit Card. If you have created an account in an App, if you have linked your Debit or Credit Card to this account and if you have provided Personal Data, EBS and Translink will be able to service you as well based on these data. Before getting insight in your travelling, you have to provide a Reference number and corresponding amount.

For general questions about travelling with a Debit or Credit Card, please contact the OVpay Customer care Desk by calling 0900-1433, or by completing the contact form at [www.ovpay.nl/contact](http://www.ovpay.nl/contact).

If you would like more information on how EBS or Translink handles your Personal Data, please contact the Data Protection Officer of either organisation:

For EBS: [email], for Translink: [fg@translink.nl](mailto:fg@translink.nl)

### **Exercising privacy rights**

If you wish to exercise your privacy rights, you can do so by contacting our Customer care or that of Translink, or by contacting the Data Protection Officer of EBS or Translink; see the contact details above.