

REQUEST FOR THE INITIATION OF PROCEEDINGS ON OUT-OF-COURT PASSENGER DISPUTE RESOLUTION

1. Contact data of the entity resolving the dispute

1.1. The entity to whom the request is addressed: **Rzecznik Praw Pasażera Kolei**
[Rail Passenger Right Ombudsman]

1.2. Street address: Al. Jerozolimskie 134, 02-305 Warszawa

2. Indication of the Parties

2.1. Applicant's first name and surname:

Jan Nowak

2.2. Applicant's street address:

ul. Jasna 1/23
00-013 Warszawa

2.3. E-mail address:

jan.nowak@gmail.com

2.4. Phone number (optional):

600 – 100 – 200

2.5. The Operator's (e.g. railway carrier's) name with whom a passenger has a dispute:

Carrier

3. **Demand with an indication of the subject of the dispute and its value** (*please, write what you demand and relative to which event; for example, a refund of a specific sum of money for an unused ticket, compensation for a delayed train, for loss of luggage, or a refund of an unduly charged fee for no valid ticket during ticket control, indicate a specific amount of money, what disbursement you demand from the operator*)

I demand reimbursement of the cost of accommodation in the "Wawelskie Zacisze" hotel on 12/13 May 2018 incurred due to missing a bus connection that had arisen from a delayed train, i.e. PLN 150.00.

4. Type of Proceedings

I apply for resolution of a passenger dispute involving presentation of a suggested dispute resolution to the Parties.

5. Description of Case Circumstances *(please write exactly what has happened)*

On 12 May 2018, at 9:00 p.m., I had a scheduled bus departure from the bus station in Cracow to Sarajevo. In order to start my planned holiday leave, first, I had to go from Gorzów Wielkopolski to Cracow. So I purchased a ticket via the Internet for a train from Gorzów Wielkopolski Wschodni (departure: 12:35 p.m.) – Kraków Główny (arrival: 7:45 p.m.). Unfortunately, the train I took arrived at Kraków Główny at 10:00 p.m., i.e. with a 135-minute delay. Therefore, I missed my coach that was meant to take me to Sarajevo. This was the reason that I had to spend a night in a hotel in order to be able to continue my journey the next day. I managed to get a refund of my bus ticket via the Internet.

6. Information on current progress of the Passenger Dispute *(please, describe what has been the course of your contact with the operator and attempts to resolve the dispute, e.g. whether you have filed a complaint with the carrier and what reply you have received)*

On 22 May 2018, I filed a complaint with the Carrier. In a letter dated 20 June 2018, the Carrier rejected my complaint. Further to the above, I appealed the Carrier's decision on 23 June 2018. Unfortunately, my appeal was also rejected.

7. Appendices – *(please attach copies of the documents you have confirming the information included in the request; for example, copies of tickets, the filed complaint, the operator's reply to the complaint, a copy of communication between you and the operator to which the request pertains, if the request was lodged by an attorney, an original version or a copy of the power-of-attorney)*

- A copy of a train ticket;
- A copy of communication with the operator;
- A copy of bus tickets from Cracow to Budapest;
- A copy of a "Wawelskie Zacisze" hotel bill.

Date: 10 July 2018

Applicant's signature: Jan Nowak

I represent that:

- I undertook an attempt to contact the other Party and direct resolution of a passenger dispute on **22 May 2018** (*for example the day of filing the complaint with the carrier*);
- The case on the same claim between the same Parties is not pending and has not been already heard by the Ombudsman or any other relevant entity or court.

Date: **10 July 2018**

Applicant's signature: **Jan Nowak**

(Remember if you have filed a suit against an operator before or proceedings on the same case have been pending before the Ombudsman or any other entity entitled to conciliatory dispute resolution, the Ombudsman will be obliged to refuse hearing the dispute).

I agree /~~do not agree~~* to serving letters to the Parties to the proceeding by electronic communication means.

Date: **10 July 2018**

Applicant's signature: **Jan Nowak**

(If you make such a statement, the exchange of information between you and the operator and delivering the Ombudsman's letters will be done via electronic mail. If you do not express such consent, communication will be exchanged by registered mail.)

*Delete as appropriate

According to art. 13 par. 1 and par. 2 of the Regulation of the European Parliament and of the Council (EU) 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (OJ of the EU L No. 119 of 4 May 2016, p. 1, hereinafter referred to as "RODO"), we inform that:

- 1) The administrator of personal data is the President of the Office of Rail Transport (President of UTK), based in Al. Jerozolimskie 134, 02-305 Warsaw, tel .: 22 749 14 00, e-mail: utk@utk.gov.pl in relation to personal data provided by you;
- 2) The data protection officer at the Rail Transport Office (UTK) is Mr Paweł Rafalski, e-mail: iod@utk.gov.pl;
- 3) Your personal data, in particular the name, date of birth, address of residence, telephone number, as well as personal health data necessary to prove the claim, will be processed in order to carry out the dispute resolution procedure, legal basis for processing your personal data is art. 16a and 16c of the Act of 28 March 2003 on rail transport (Journal of Laws of 2017, item 2117, as amended) granting the right to the Rail Passenger Rights Ombudsman to conduct proceedings;
- 4) The recipient of your personal data will be the Rail Passenger Rights Ombudsman and Ombudsman team members at the Rail Transport Office, as well as the entity with which you are in dispute;
- 5) Your personal data will not be transferred to a third country / international organization;
- 6) Your personal data will not be transferred to third parties, unless it is obligatory accordingly to the law;
- 7) Your personal data will be stored at the Railway Transport Office for a period of 3 years from the end of the proceedings, after this period they will be forwarded to the office archives, and then within the period specified by law to the state archives where they will be kept perpetually;
- 8) You have the right to access your data and its rectification, deletion, limitation of processing, transfer, as well as the right to object to the processing, you also have the right to withdraw your consent to the processing of your personal data at any time without the impact on the legality of the processing which was carried out on the basis of consent before its withdrawal;
- 9) In relation to the processing of your personal data, you have the right to submit a complaint to the supervisory body - to the President of the Office for Personal Data Protection;
- 10) Providing your personal data is a requirement of a request to initiate proceedings before Rail Passenger Rights Ombudsman in accordance with art. 16e para. 3 and 4 of the Act of 28 March 2003 on rail transport (unified text: Journal of Laws of 2017, item 2117, as amended) in connection with art. 33 para. 2 of the Act of 23 September 2016 on Out-of-court resolution of consumer disputes (Journal of Laws of 2016, item 1823), failure to do so may make it impossible to conduct proceedings by the Rail Passenger Rights Ombudsman;
- 11) Based on your personal data the President of UTK will not make automated decisions, including decisions being the result of profiling within the meaning of the RODO.

I represent that I have been informed about the objective and procedure of processing my personal data and I express my consent to the processing of my personal data by the President of the Office of Rail Transport with headquarters in Warsaw, Al. Jerozolimskie 134, 02-305 Warsaw, contained in the application for the initiation of proceedings before the Rail Passenger Rights Ombudsman in order to conduct these proceedings.

Date: 10 July 2018

Applicant's signature: Jan Nowak