| GZ: DSB-D550.037/0003-DSB/2018 from 20.12.2018   |
|--|
| [Editor's note: Names and companies, legal forms and product names, addresses□                               |
| (incl. URLs, IP and e-mail addresses), file numbers (and the like), etc., as well as their initials $\hdots$ |
| and abbreviations may be abbreviated and/or changed for reasons of pseudonymization. □                       |
| Corrected obvious spelling, grammar, and punctuation errors.]□   |
| To Mr□   |
| Rudolph D***□  |
| penal decision□  |
| you operate □  |
| at least since□  |
| at (from – to)□  |
| in□  |
| 05/15/2018□  |
| 0 - 24 hours□  |
| **** N***stadt, T***gasse *4/*7□   |
| as the person responsible within the meaning of Art. 4 Z 7 of Regulation (EU) 2016/679 on protection         |
| of natural persons in the processing of personal data, to the free movement of data $\!\!\!\!\!\square$      |
| and repealing Directive 95/46/EC (General Data Protection Regulation, hereinafter:□                          |
| GDPR), OJ No. L 119 of 4 May 2016 S 1, video surveillance (image processing). □                              |
| 1) The video surveillance records, starting from the window area of the apartment top□                       |
| No. *7, Areas for the general use of the residents of the □  |
| multi-party residential complex that is the subject of the proceedings, namely:□                             |
| Parking lots, sidewalks, courtyard, garden and access areas to the residential complex; in addition □        |
| video surveillance captures garden areas of an adjacent property. the□                                       |
| Procedural video surveillance is therefore not limited to areas□   |
| limited, which are in the exclusive power of disposal of the person responsible□                             |

| stand. The video surveillance is therefore not appropriate for the purpose and not on □                                  |
|--|
| limited to what is necessary. □  |
| 2) The video surveillance recorded, starting from the apartment door to Top No. *7, the □                                |
| in front of it and films roommates entering and leaving □  |
| surrounding apartments, thus reaches into their most personal sphere of life□  |
| without the consent of the persons concerned for the collection of their image data.□                                    |
| 3) The video surveillance is not suitably marked. □  |
| By doing so, you have breached the following legal provisions:□  |
| To 1):□  |
| <sup>∼</sup> Art. 5 (1) lit. a and c and Art. 6 (1) GDPR (for the crime period from□                                     |
| 05/25/2018)□   |
| To 2):□  |
| § 12 Para. 4 Z 1 Data Protection Act (DSG), Federal Law Gazette I No. 165/1999 as amended (for the □                     |
| crime period from 25.05.2018)□   |
| To 3):□  |
| a) Section 50d (1) DSG 2000, Federal Law Gazette I No. 165/1999 as amended in Federal Law Gazette I No. 83/2013 (for the |
| Crime period from 05/15/2018 to 05/24/2018)□   |
| b) Section 13 (5) DSG (for the crime period from 05/25/2018)□  |
| because of this administrative offence(s), the following penalty will be imposed on you:□                                |
| fine of euros□   |
| if this is irrecoverable□  |
| is, substitute imprisonment of□  |
| imprisonment from□   |
| according to □   |
| To 1): € 1,000.00 □  |
| 70 hours □   |
|  |

| To 2): € 1,000.00 □  |
|--|
| 70 hours□  |
| To 3): € 200.00 □  |
| 16 hours□  |
| Total:□  |
| € 2,200.00□  |
| Total: 156 hours□  |
| 1): Art. 83 (5) lit□   |
| GDPR□  |
| 2): § 62 para. 1 no. 4□  |
| DSG□   |
| 3a): § 52 para. 2 no. 4□   |
| DSG 2000 in conjunction with Section 69□   |
| Paragraph 5 DSG□   |
| 3b): § 62 para. 1 no. 4□   |
| DSG□   |
| in connection with § 16 VStG□  |
| Any other statements (e.g. on crediting prior detention, on forfeiture or on □               |
| claims under private law):□  |
| Furthermore, you have to pay according to § 64 of the Administrative Penal Act 1991 - VStG:□ |
| 220.00□  |
| Euro as a contribution to the costs of the criminal proceedings, that is 10% of the fine,□   |
| but at least 10 euros (one day imprisonment equals 100 euros);□                              |
| Euro as a replacement for the cash expenses for □  |
| The total amount to be paid (penalty/costs/cash expenses) is therefore □                     |

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| 2,420.00□  |
|--|
| Euro□  |
| Payment term: □  |
| If no complaint is lodged, this penal decision is immediately enforceable. The total amount□   |
| is in this case within two weeks after entry into force of law to the BAWAG account□   |
| P.S.K., Georg-Coch-Platz 2, 1018 Vienna, IBAN: AT46010000005490031, BIC: BAWAATWW,   |
| made payable to the data protection authority. As purpose may the□   |
| Business number and the completion date are given. □   |
| If no payment is made within this period, the total amount can be dunned. In this□   |
| In this case, a flat-rate fee of five euros must be paid. Still happens□   |
| no payment, the outstanding amount will be enforced and, if uncollectible, the □   |
| substitute imprisonment corresponding to this amount. □  |
| Reason:□   |
| The following decision-relevant facts are due to the carried out□  |
| evidentiary procedure:□  |
| I D  |
| 1. Mr. Rudolf D***, born on **.**.195*, has lived in **** N***stadt, T***gasse *4/*7, since August 2nd, 1990□  |
| his justified main residence and is the operator of the subject matter of the proceedings□   |
| Video surveillance system (image processing). □  |
| 2. The residential property that is the subject of the proceedings is a $\!\square$  |
| Multi-party residential complex, which is owned by a real estate company and from□   |
| this is also managed as property management. The accused lives in the apartment Top□   |
| No. *7 of the same residential complex.□   |
| 3. The video surveillance system consists of at least two in the door and window area $\!$ |
| Apartment Top No. *7 installed cameras.□   |
| 4. The following cameras are located in front of the multi-party residential complex in question □   |

| areas of the property interided for general use are recorded.  |
|--|
| parking lots,□   |
| sidewalks,□  |
| Courtyard, garden and access areas to the residential complex as well□                                     |
| Parts of a neighboring property.□  |
| Furthermore, the subject video surveillance system captures the very personal□                             |
| Living area of roommates, which when entering and leaving their apartments□                                |
| have to use the hallway leading past Top *7. An express consent of□  |
| Affected for this is not available.□   |
| 5. Recorded image data was at least partially on the Internet on a platform□                               |
| published on social media, with the published images in four cases□  |
| official number plates of parked cars are clearly recognizable.□   |
| 6. The video surveillance system in question is not suitably marked. □                                     |
| 7. The cameras in question have been in operation since at least May 15, 2018. To this□                    |
| At the time, the city council of N***stadt (by means of an e-mail from those affected) was informed by the |
| Cameras notified. □  |
| 8. In the course of the ggst. Proceedings by RSa letter issued request for□                                |
| Justification from November 5th, 2018 was according to the return receipt of the Austrian Post AG - after□ |
| a delivery attempt on 14.11.2018 - from 15.11.2018 at the post office (****) for collection□               |
| kept ready Finally, the document - provided with the comment "not corrected"□                              |
| – returned to the data protection authority on 04.12.2018.□  |
| 9. According to the income report of Statistics Austria - last published for the reporting year□           |
| 2016 – was the average net income of employed men□   |
| € 1,883.0 per month. □   |
| Evidence: Insight into the content of the formerly responsible mayor of the city of N***stadt□             |
| to GZ. 1**6-*5-*6 *5*1 with criminal file transmitted on 26.06.2018 including photo enclosures,□           |

| Return receipt from Österreichische Post AG, ZMR comparison from 09/18/2018, land register query□   |
|---|
| from 09/18/2018, online query income report of Statistics Austria,□   |
| https://www.statistics.at/web_de/statistics/people_und_society/social/persons-  |
| income/net monthly income/057212.html, last accessed on December 17, 2018.□   |
| II.□  |
| The determinations are made on the basis of the following assessment of evidence:□  |
| 1. The data protection authority puts the content of the by - until 24.05.2018 on the merits□   |
| responsible - mayor of the city of N***stadt transmitted administrative offense together□   |
| Picture supplements, the information on the return receipt from Österreichische Post AG, through official channels                                  |
| Queries in the central register and land register as well as inspection of the income report  |
| of the Federal Institute Statistics Austria based their factual findings. □   |
| 2. The findings are more closely based on the credible and substantiated $\!$ |
| Submission of the private advertiser, which is also linked on the Internet by a user of a social □  |
| Medium with the name of the accused published photographs are substantiated □   |
| could (cf. e-mails from May 15, 2018, May 17, 2018 and June 14, 2018); the within the□  |
| The allegation raised by the request for justification remained entirely unaffected by the accused  |
| undisputed, the deadline for justification expired unused and the accused is also the □   |
| Missed hearing date before the data protection authority on October 30, 2018 (10:00 a.m.). □  |
| In addition, the data protection authority also reached up to the issuance of the $\!\!\!\!\square$   |
| sent no justifying arguments.□  |
| 3. On the part of the data protection authority, based on general life experience, it is considered □   |
| predominantly considered likely that the cameras at issue □   |
| have not been taken out of service in the meantime; rather the data protection authority goes□  |
| from a permanent establishment of the same. □   |
| III. 🗆  |
| Legally it follows:□  |

| Regarding administrative criminal liability:   |
|--|
| 1. On the legal situation:□  |
| Article 83 paragraph 5 lit□  |
| 6 GDPR fines of up to 20,000,000 euros or in the case of a company of up to □                                    |
| 4% of its total worldwide annual sales for the previous financial year□  |
| may be imposed, depending on which of the amounts is higher.□  |
| Pursuant to § 62 Para. 1 Z 4 DSG, anyone who□  |
| Image processing contrary to the provisions of the 3rd section of the 1st main part (§§ 12□                      |
| and 13 DSG).□  |
| According to § 69 paragraph 5 DSG are violations of the DSG 2000, which at the time of entry into force □        |
| of the DSG have not yet been made pending, according to the legal situation after the entry into force of the□   |
| assess DSG. A criminal offense that occurred before the DSG came into force□                                     |
| is to be assessed according to the legal situation that affects the perpetrator in its overall effect□           |
| is cheaper; this also applies to the appeal proceedings. □   |
| Because the subject conduct commenced prior to May 25, 2018 – the Effective Date□                                |
| of the DSG - lies, the possible maximum penalties according to § 62 Abs. 1 Z 4 DSG above those according to § 52 |
| Para. 2 DSG 2000, come with regard to the amount of the penalty - insofar as there are violations of the □       |
| DSG 2000 or the DSG concerns - the provisions of the DSG 2000 apply. □   |
| 2. As stated above, the Data Protection Authority has the subject□   |
| Administrative penal proceedings according to § 42 para. 1 no. 2 VStG without hearing the accused □              |
| accomplished. □  |
| Regarding point 1:□  |
| 3. In the present case lies with the operation of the cameras, starting from the door and $\!\Box$               |
| Window area in Top *7 of the multi-party residential complex that is the subject of the proceedings□             |
| located apartment of the accused, undisputedly a photo in the sense of § 12 para. 1 DSG□                         |
| before. The GDPR defines the term processing in Art. 4 Z 2 GDPR by listing□                                      |

| a number of possible uses. Included are the collection, the□  |
|---|
| Capture, organization, ordering, storage, adaptation or modification,□  |
| reading, retrieval, use, disclosure by transmission, dissemination□   |
| or any other form of providing, matching or linking that□   |
| restriction, deletion or destruction. □   |
| Through the collection, storage and transmission (publication) of the subject matter□                           |
| Image data is the material scope of Art. 2 GDPR.□   |
| In any case, the recorded image data constitute personal data within the meaning of Art. 4 Z 1□                 |
| GDPR and is also one due to the storage and transmission of the same□   |
| Processing within the meaning of Art. 4 Z 2 DSGVO given. The accused is responsible for□                        |
| to qualify the present data processing iSd Art 4 Z 7 DSGVO.□  |
| 4. Art. 5 GDPR sets out the principles for the processing of personal data and □                                |
| determines its paragraph 1 lit. a that personal data in a lawful manner, according to □                         |
| processed in good faith and in a manner that is comprehensible to the data subject□                             |
| ("lawfulness, fair processing, transparency"); lit. c□  |
| leg.cit. establishes as a further principle that all processing is appropriate and appropriate for the purpose□ |
| be substantial and limited to what is necessary for the purposes of the processing□                             |
| ("Data Minimization"). □  |
| According to Article 6 GDPR, processing is only lawful if at least one of the□                                  |
| the following conditions are met:□  |
| a) the data subject has given their consent to the processing of data concerning them□                          |
| personal data given for one or more specific purposes;□   |
| b) the processing is for the performance of a contract to which the data subject is party□                      |
| person is, or necessary to carry out pre-contractual measures,□   |
| which are made at the request of the data subject;□   |
| c) the processing is necessary for compliance with a legal obligation imposed by the □                          |

| Controller is subject to;□   |
|--|
| d) the processing is necessary to protect the vital interests of the data subject□   |
| protect any person or other natural person;□   |
| e) the processing is necessary for the performance of a task that is □   |
| is in the public interest or in the exercise of public authority which $\Box$  |
| responsible has been transferred. □  |
| f) the processing is to protect the legitimate interests of the person responsible □                                       |
| or a third party, unless the interests or fundamental rights and □   |
| Fundamental freedoms of the data subject, the protection of personal data□   |
| require, especially when the data subject is□  |
| a child acts. □  |
| Recital 47 leads, among other things, to the lawfulness of processing operations□  |
| explanatory that this is due to the legitimate interests of a person responsible, also one□                                |
| Controller to whom the personal data may be disclosed, or one □  |
| Third parties may be justified, provided that the interests or fundamental rights and freedoms of □                        |
| data subject do not outweigh; including the reasonable expectations of those concerned□                                    |
| person based on their relationship with the controller. A□   |
| legitimate interest could exist, for example, if a relevant and □  |
| there is an appropriate relationship between the data subject and the controller,□   |
| e.g. B. if the data subject is a customer of the controller or in its service□   |
| stands.□   |
| In any case, the existence of a legitimate interest would be particularly careful□   |
| to be weighed up, whereby it must also be checked whether a data subject was a data subject at the time of the collection□ |
| of the personal data and given the circumstances in which it occurs,□  |
| can reasonably foresee that there may be processing for this purpose□  |
| will take place. Especially when personal data is processed in situations□   |

| Bresich/Dopplinger/Dörnhöfer/Kunnert/Riedl, DSG, § 12, p. 134).□                                       |
|--|
| $\S$ 12 para. 1 DSG defines under an image recording within the meaning of Section 3 of the DSG $\Box$ |
| through the use of technical equipment for image processing□   |
| Findings of events in public or non-public space to private□   |
| purposes.□   |
| The term "event" should be understood further. In particular, a mobile□                                |
| Video recording to be captured. In this sense, the term "image recording" should also be broad □       |
| be interpreted and also capture mere records, although a specific object□                              |
| or targeting a specific person, but not aimed at "surveillance".□                                      |
| (Bresich/Dopplinger/Dörnhöfer/Kunnert/Riedl, DSG, § 12, p. 134).□                                      |
| 8. According to § 12 Para. 4 Z 1 DSG, taking a picture without the express consent of the □            |
| affected person whose highly personal area of life is being interfered with is inadmissible.□          |
| Places that can be attributed to the most personal area of life are e.g. private apartments,□          |
| Changing or toilet cubicles (cf. Pollirer/Weiss/Knyrim/Haidinger, Data Protection Act, § 12,□          |
| note 12). □  |
| 9. The Supreme Court has ruled that private photography,□  |
| continuous undesired surveillance and prosecutions constitute a violation of the provisions of Art. 8□ |
| ECHR-protected personality right to respect for the private sphere and the□                            |
| represent a person's secret sphere; protecting a tenant's privacy□                                     |
| Such measures do not end at the inner apartment door; it is quite a□                                   |
| legitimate interest in granting that entering or leaving an apartment□                                 |
| not continuously monitored and recorded by the tenant, his roommates or guests□                        |
| will; it is not a question of whether such surveillance is also recorded□                              |
| because it is already a serious violation of privacy (sphere of secrecy)□                              |
| represents when a person concerned is identified by the type of attachment and the external appearance |
| feels exposed to constant monitoring pressure (cf. Supreme Court of December 17, 2013, 5 Ob□           |

| 10. From this it can be deduced for the present procedure that the highly personal □                           |
|--|
| Living area according to § 12 Abs. 4 Z 1 DSG basically also the outside of an apartment door □                 |
| includes, because it covers entering and leaving the home of the person concerned $\hfill\Box$                 |
| (see also the decision of the data protection authority of August 22, 2014, □                                  |
| GZ DSB-D215.463/0006-DSB/2014).□   |
| 11. From the recording area of the camera installed in the apartment door to Top No. *7 - how□                 |
| above under item I.4. found - also the hallway area in front of the same, which leads to further,□             |
| residential units located within the multi-party residential complex. Since to □                               |
| highly personal area of life include rooms, to which only a limited der/dem□                                   |
| Authorized known group of people has access, e.g. a private apartment, is the □                                |
| image processing that is the subject of the proceedings does not justify a weighing of interests□              |
| accessible. Such image processing would only be permissible with the express□                                  |
| Consent of the person concerned, which does not exist. □   |
| Regarding point 3:□  |
| 12. Pursuant to § 13 Para. 5 DSG, the person responsible for taking a picture must appropriately record it□    |
| mark. In any case, the person responsible has been clearly identified from the marking $\!\!\!\!\square$       |
| to emerge, unless this is clear to the persons concerned according to the circumstances of the □               |
| If already known. The labeling must be done locally in such a way that everyone potentially□                   |
| Affected person who approaches a monitored object, if possible has the possibility of□                         |
| Avoid video surveillance. A similar arrangement provided for § 50d Abs. 1 DSG 2000. □                          |
| 13. This is not possible in the present case, as there are no signs outside or□                                |
| attached to the access areas of the residential complex and in the hallway in front of Top No. *7□             |
| are.□  |
| 14. It follows that the failure to comply with that obligation in the present case is contrary to □            |
| § 13 para. 5 in conjunction with § 62 para. 1 no. 4 DSG and, for the period before May 25, 2018, against § 52□ |

69/13b).□

| Para. 2 Z 4 in conjunction with § 50d DSG 2000. □  |
|--|
| 15. In application of the requirements and obligations of §§ 12 f DSG to the present□                                |
| Facts, the recognizing authority comes to the conclusion that the person responsible □                               |
| Procedural image recording exclusively in compliance with the □  |
| Prerequisites for admissibility and proportionality of § 12 DSG, Art. 5 and $6\square$                               |
| GDPR and in compliance with the requirements in § 12 Para. 4 Z 1 and the obligation□                                 |
| according to § 13 paragraph 5 DSG.□  |
| 16. Against the background of the facts established as proven, the accused as □                                      |
| Responsible according to Art. 4 Z 7 DSGVO therefore the objective side of the facts against him $\square$            |
| administrative violation of Art. 83 Para. 5 lit. a GDPR and § 62 Para. 1 Z 4□  |
| DSG or § 52 Para. 2 Z 4 DSG 2000. □  |
| 17. In the case of administrative offences, the crime picture of which is a mere violation of a $\square$            |
| prohibition or non-compliance with a commandment and that no damage has occurred□                                    |
| or a danger (disobedience offenses) - if not exclusively intentional □   |
| is required - criminal liability assumed if the perpetrator is not credible within the meaning of Section 5 (1) VStG |
| makes sure that he is not at fault for the violation of the administrative regulation (cf. VwGH,□                    |
| 18.6.1990, 91/09/0132). There is a presumption of fault from the outset (e.g. $\square$                              |
| Administrative Court, June 18, 1999, 89/10/0221). It is up to the accused to make it credible that□                  |
| it was impossible for him to comply with the administrative regulations through no fault of his own. To the□         |
| Credibility of lack of fault requires the explanation that the accused □   |
| has taken measures which, under the foreseeable circumstances, ensure compliance with the□                           |
| legal regulations had reason to expect. □  |
| 18. On the part of the accused, it was not argued that compliance with the□  |
| Provisions of the GDPR and §§ 12 and 13 DSG or §§ 50a ff DSG 2000 do not □   |
| would have been possible. □  |
| IV 🗆   |

| 1. According to Section 19 (1) of the VStG, the basis for assessing the penalty is the meaning □                       |
|--|
| of the legal interest protected by criminal law and the intensity of its impairment by the □                           |
| Did. Moreover, according to the purpose of the threat of punishment, these are the ones that come into consideration □ |
| Reasons for aggravation and mitigation, insofar as they do not already determine the threat of punishment,□            |
| weigh against each other. Particular attention should be paid to the degree of culpability□                            |
| to take. Taking into account the peculiarity of administrative criminal law, §§ 32 to 35□                              |
| apply the Criminal Code accordingly. The income and assets and any□  |
| The accused's duty of care must be taken into account when assessing fines. □  |
| In this regard, all circumstances of Art 83 Para. 2 are within the scope of the GDPR□                                  |
| GDPR must be taken into account when determining the penalty. In the present case, they could □                        |
| Income and financial circumstances as well as any due diligence obligations – in the absence of □                      |
| Participation of the accused - are not taken into account. □   |
| The authority therefore had to assess the income and financial situation□  |
| to proceed (cf. Administrative Court of April 27, 2000, 98/10/0003). □   |
| In this case, the accused has to attribute it to his failure to cooperate □  |
| the authority about this assessment to the detriment of the accused circumstances                                      |
| have disregarded, which without his participation the authority is not aware of□                                       |
| (cf. Administrative Court of January 31, 2012, 2009/05/0123). □  |
| Using the data provided by the Federal Institute Statistics Austria – most recently for the reporting year□            |
| 2016 – published values in terms of average monthly net income □   |
| Employed men of € 1,883.00 was determined by the data protection authority from□                                       |
| an average monthly net income of the accused of approx□  |
| € 1,800 assumed. □   |
| 2. The provisions of §§ 12 f DSG and Art. 5 and 6 DSGVO aim to □   |
| fundamentally protected legal positions of those affected from interference by public or□                              |

The following should be noted for sentencing: □

| to protect images used for private purposes in non-public spaces that do not□                                      |
|--|
| meet the requirements with regard to their admissibility and proportionality. $\square$                            |
| The prohibition established with § 12 para. 4 Z 1 DSG prohibits the responsible person □                           |
| Image recording explicitly, without the express consent of the person concerned□                                   |
| to create their most personal areas of life. The regulation of § 13 Abs. 5 DSG□                                    |
| should enable those affected to take (undesirable) pictures if possible □  |
| avoid and, if necessary, determine who is responsible for taking the picture.□                                     |
| 3. In the specific case, when determining the penalty, it was to be taken into account that the □                  |
| detected improper operation of the image acquisition is potentially suitable, a large number of□                   |
| Affected, here: Neighbors of the accused or neighbors of the housing complex and users□                            |
| of general parts of the residential complex and public traffic areas in which□                                     |
| fundamentally protected rights - in particular in their right to secrecy within the meaning of § $1\square$        |
| DSG and their right to respect for private and family life iSd Art 7 GRC or Art 8□                                 |
| ECHR - to violate. That the neighbors improve their quality of life through constant observation□                  |
| considered restricted by the accused, their e-mail correspondence with the□  |
| Magistrate of the city of N***stadt. □   |
| 4. The violation in question is due to the high degree of wrongfulness and due to the □                            |
| The fact that it is a systematic violation of the obligation of the □  |
| Responsible acts as difficult to assess. Finally, through several cameras in the □                                 |
| Exterior of the apartment in Top No. *7 systematically taking pictures of general □                                |
| areas of the residential complex, as well as from the highly personal area of life□                                |
| data subject created; the recordings were also (at least in part) also on the Internet□                            |
| published and thus made accessible to an indefinite group of addressees. □   |
| 5. This was therefore to be considered as an aggravating factor, with the intensity of the intervention increasing |
| through the operation of an inadmissible and disproportionate image processing, which is here□                     |
| covers both public space and the highly personal area of life, $\!\Box$  |
|  |

| in the present case on the penalties assigned separately for the individual points in the verdict - in□  |
|--|
| relation to one another – has been accordingly reflected. A refrain from imposition□                     |
| is therefore not considered. Infringement duration – picture taking is like□                             |
| determined to have been in operation for at least several months – was also considered aggravating too – |
| evaluate. □  |
| 6. Therefore and to protect the accused from further criminal acts of the same kind□                     |
| held, the imposition of a penalty in the specific case was necessary. The need for $\!\!\!\!\!\square$   |
| Special prevention also results from the fact that the accused □   |
| has not yet taken the cameras that are the subject of the proceedings out of operation. □                |
| 7. Regarding the degree of culpability or the degree of culpability of the person responsible ☐          |
| In any case, negligent behavior was assumed.□  |
| Negligent behavior is considered neither mitigating nor aggravating. ☐                                   |
| 8. As a mitigating factor, the fact that no relevant□  |
| reservations have been made. □   |
|  |