
Surname, first name of applicant



**UNIVERSITÄTS
KLINIKUM** FREIBURG

Verwaltung des Klinikums
Geschäftsbereich Personal

**Abteilung
Personalbetreuung**

DIRECTIONS AND NOTES

1. DIRECTIONS CONCERNING THE OBLIGATION OF LOYALTY TO THE CONSTITUTION IN PUBLIC SERVICE

pursuant to No. 2.2 of the resolution passed by the State Government of Baden-Württemberg on 02nd October 1973 (Official Gazette No. 86 p. 4, GABl. p. 950)

According to section 70 para. 2 of the German State Civil Service Act (Landesbeamtengesetz – LBG), civil servants have a duty to declare their allegiance to, and advocate the preservation of, the free democratic basic order as defined by the German constitution by means of their conduct. Accordingly, pursuant to section 6 para. 1 No. 2 of the LBG, individuals may only become civil servants if they guarantee to support the free democratic basic order at all times. The same political allegiance applies to employees from section 3 para. 1 of the TV-L (Wage Agreement for Public Service of the States) and TV-Ärzte (Wage Agreement for Doctors) amongst others.

According to the ruling of the Federal Constitutional Court (cf. ruling dated 23rd October 1952 ref. 1 BvB 1/51, compilation of rulings made by the Federal Constitutional Court volume 2 p. 85 et seq; ruling dated 17th August 1956 ref. 1 BvB 2/51, compilation of rulings made by the Federal Constitutional Court volume 5 p. 85 et seq), the free democratic basic order as defined by the German constitution represents, under the exclusion of all violence and tyranny, a constitutional power based on freedom, equality and the self-determination of the people according to the will of the majority. The free democratic basic order is the opposite of a totalitarian state, which rejects human dignity, freedom and equality as an exclusive power. Among the fundamental principles of this order, the following is to be counted in particular:

Observation of the human rights defined in the German constitution; in particular the personal right to life and freedom of personal development, sovereignty of the people, the separation of powers, responsibility of the government, lawfulness of administrative authorities, independence of the courts, the multi-party principle, equal opportunities for all political parties, the right to form and exercise an opposition in the sense of the constitution.

Those wishing to become civil servants who either support or participate in anti-constitutional activities may not be employed.

Civil servants found guilty of such a breach of duty must anticipate that disciplinary proceedings will be initiated against them with the objective of removing them from their post. In this event, employees must be aware that their employment will be terminated without notice.

On the basis of having received these formal directions, I hereby expressly declare that I endorse the free democratic basic order as defined by the German constitution, and that I declare my allegiance to, and advocate the preservation of, the free democratic basic order as defined by the German constitution at all times through my conduct.

I expressly affirm that I do not support endeavours which act against the free democratic basic order or its fundamental principles as listed above, and that I am not a member of any organisation with such tendencies.

I am aware that any infringement of this duty of service and allegiance will result in my removal from the post and/or in the immediate termination of my contract.

Date

Signature of applicant

2. NOTICE ON DATA CONFIDENTIALITY AND THE USE OF ELECTRONIC DATA PROCESSING IN THE MEDICAL CENTER

pursuant to the EU General Data Protection Regulation (GDPR) and the Baden-Württemberg State Data Protection Act (LDStG) in the respective versions currently in force

I am prohibited from processing personal data without authorisation. Personal data may therefore only be processed when consent has been given, processing is permissible on the basis of a legal regulation or processing is required by law. The principles set out by the GDPR regarding the processing of personal data can be found in Article 5(1) GDPR and primarily include the following obligations:

Personal data shall be:

- a) processed lawfully and in a transparent manner in relation to the data subject;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed ("data minimisation");
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed;
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ("integrity and confidentiality").

Breaches of these obligations are punishable by an administrative fine and/or imprisonment. A breach may also constitute a violation of obligations laid down in an employment contract or a violation of special obligations of secrecy. Culpable breaches of these obligations may also result in claims for damages (under civil law). The confidentiality obligation laid down in your employment or service contract or other agreements is not affected by this statement.

The obligations continue to apply following termination of your contract.

Infringements of data confidentiality, in accordance with the GDPR or LDSG and other relevant legislation, are punishable by fine or imprisonment; this does not exclude the possibility of disciplinary action being taken. In most cases, breaches of data confidentiality are also breaches of official secrecy or infringements of confidentiality obligations laid down in an employment contract. They may also constitute a breach of special obligations of secrecy.

The full text of the following legislation

- Baden-Württemberg State Hospital Act (LKHG),
- Baden-Württemberg State Data Protection Act (LDSG),
- German Federal Data Protection Act (BDSG),
- EU General Data Protection Regulation and
- the text found in Section 203 of the German Criminal Code (StGB)

may be consulted or requested via the staff support division or the Medical Center's data protection officer.

Use of electronic data processing

I shall undertake to solely use the services made available by the University Medical Center Freiburg for scientific purposes and/or for the purposes of this employment. The unprotected transmission of personal data via the internet is prohibited, as it is not possible to guarantee that such information will remain confidential whilst being transmitted online. It is possible that unauthorised persons could gain access to, and potentially manipulate, any transmitted data without our knowledge.

I hereby declare that I will conscientiously observe the provisions of the State Data Protection Act (LDSG), the specific data protection provisions of the State Hospital Act (LKHG), additional provisions on statutory data protection and data protection regulation no. 7 (from the University Medical Center Freiburg's Data Protection Handbook) when using the computer services.

Date

Signature of applicant

3. DECLARATION OF THE APPLICANT REGARDING THE EMPLOYMENT OF SPOUSES AND NEXT OF KIN AT THE UNIVERSITY MEDICAL CENTER/UNIVERSITY

I hereby declare that

- ☐ my spouse/next of kin is not employed by the hospital/university.
- ☐ Mr./Ms. _____
Relation:: _____
Department: _____
Position: _____
is employed by the hospital/university.

4. DECLARATION OF CRIMINAL PROCEEDINGS/PRIOR CONVICTIONS

I hereby declare that

1. I ☐ have no legal convictions.
☐ have the following convictions:

(Court, authority, file ref., date, sentence)
2. ☐ no criminal proceedings or preliminary investigations have been initiated against me by the police, public prosecutors or court, and no such proceedings are pending.
☐ criminal proceedings or preliminary investigations have been initiated against me by the police, public prosecutors or court, or such proceedings are pending:

(Court, authority, file ref., date)

Civil servants are requested to fill in the following in addition:

3. ☐ no disciplinary measures have been taken against me.
☐ the following disciplinary measure/s has/have been taken against me:

(Court, authority, file ref., date, disciplinary measure)
4. ☐ no disciplinary measures have been initiated against me and no such proceedings are pending.
☐ disciplinary measures have been initiated against me and no such proceedings are pending.

(Court, authority, file ref., date, disciplinary measure)

5. SUBROGATION IN THE EVENT OF THIRD PARTY LIABILITY

I am aware that, pursuant to the collectively agreed legal provisions, in the event that I am unfit for work owing to circumstances caused by a third party, I shall be obliged to

- inform the employer immediately of the circumstances
- waive all rights to claims for damages owing to unfitness for work
- assign claims for damages owing to unfitness for work to the employer, and declare that I shall not have them at my disposal.

I hereby declare that I assign my claims to the employer in the event that I am unfit for work.

6. DECLARATION REGARDING THE GENERAL EQUAL TREATMENT ACT

The law prohibits discrimination against employees, particularly against subordinate employees but also against other colleagues, owing to

- ethnic origin,
- religion or belief,
- disability,
- age,
- sexual identity,
- gender.

I undertake to ensure that no discrimination or harassment takes place within my personal area of responsibility.

The law recognises and prohibits different forms of discrimination.

Firstly, "discrimination", i.e. less favourable treatment owing to any of the factors listed above (age, gender etc.), is forbidden, and secondly, "harassment" and any other forms of bullying such as intimidation, hostility, humiliation, derogatory comments and insults or other violations of human dignity are also prohibited. Sexual harassment is also forbidden. This not only includes unwanted sexual offences and sexual physical contact, but also comments of a sexual nature, including via email or text message, and the unwanted presentation or visible display of pornographic images.

The code of conduct which applies to our employees must also be observed by any external staff during work for or on behalf of the University Medical Center. I shall inform the Personnel Department in the event of an infringement of the code of conduct.

7. DECLARATION OF ACCEPTANCE WITH REGARDS TO THE TRANSMISSION OF PERSONAL DATA IN THE CASE OF PROJECTS FINANCED BY THIRD-PARTY FUNDS

I hereby agree to my personal data being transmitted to the funding organisation as proof in the event that my time at the University Medical Center Freiburg is temporarily funded by a research project financed by third-party funds.

Any use of personal data beyond this and the collection of additional information require the data subject's separate consent in each case.

In accordance with Article 15 GDPR, you are entitled at any time to ask the office to provide you with detailed **information** about the personal data concerning you which they have stored.

In accordance with Article 17 GDPR, you are entitled at any time to request that the office **rectify, erase or block access to** individual items of personal data, provided that there are no legal or statutory requirements for this data to be processed.

You are entitled to withdraw your consent at any time without stating a reason. If you withdraw your consent, your data will no longer be processed. This statement of withdrawal of consent must be submitted to department 4. Your withdrawal of consent only applies from the date on which it is declared and does not have a retroactive effect. The processing of your data up until this date will remain lawful.

8. ACKNOWLEDGEMENT OF RECEIPT AND CONFIRMATION OF POINTS 1 TO 7 OF THIS DECLARATION

I have been issued with the following documents:

- ☒ Information on how your data is handled
- ☒ Information sheet on the law governing additional employment
- ☒ Information sheet on Occupational Health and Safety
- ☒ Information sheet on termination of employment
- ☒ Information for employees – Third Party Liability Cover for Employees of the University Hospitals in Baden-Württemberg

I hereby confirm to take note of the listed points on this declaration and the information sheets and to consider them.

Further information sheets (e. g. settlement of medical accident claims, patient education, liability insurance, business travel, Excerpt from the 19th progress report of the Baden-Württemberg State Commissioner for Data Protection (LfD)) are available on the intranet. I undertake to take note of them.

Date

Signature of applicant