

# INFORMATION ON HOW YOUR DATA IS HANDLED

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## 1. Preliminary remarks

The aim of this document is to provide you with information about your data. Legal requirements stipulate which information we need to communicate to you.

*(To find out more about this, please see Articles 12 to 22 and 34 of the General Data Protection Regulation. The full text of the General Data Protection Regulation is available online at <https://gdpr-info.eu/>. If you have any questions about the General Data Protection Regulation, please feel free to contact our data protection officer and/or the personnel department at any time.)*

## 2. Terminology

**Personal data:** any information relating to an identified or identifiable person. A person is identifiable if they can be identified directly or indirectly. For example, they could be identified by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more specific features.

## 3. Basic information

### 3.1 Who is responsible for processing my data?

The data controller responsible for processing your data is:

University Medical Center Freiburg  
Hugstetter Str. 55  
79106 Freiburg im Breisgau  
Germany

### 3.2 How can I contact you?

Contact: Telephone: +49 (0)761/270-0; fax: +49 (0)761/270-20200;  
email: [info@uniklinik-freiburg.de](mailto:info@uniklinik-freiburg.de)

### 3.3 Which authority is responsible for monitoring of and compliance with data protection legislation?

The competent data protection supervisory authority is the Baden-Württemberg State Representative for Data Protection and Freedom of Information: Landesbeauftragter für Datenschutz und Informationsfreiheit Baden-Württemberg, Postfach 10 29 32, 70025 Stuttgart, Germany

### 3.4 How can I contact the company's data protection officer?

Our company's data protection officer is Mr Helwig Andreas Opel. He can be contacted as follows:  
Telephone: +49 (0)761/270-20670; fax: +49 (0)761/270-20660;  
email: [helwig.opel@uniklinik-freiburg.de](mailto:helwig.opel@uniklinik-freiburg.de)

## 4. Other important information

### 4.1 Why does the company process my data?

We process your data:

- so that we can initially check whether your knowledge and skills make you a suitable candidate for employment in our company;
- to maintain an employment relationship with you as soon as both you and we decide to enter into such a relationship;
- in order to terminate and after terminating the employment relationship.

## 4.2 Why does the company have the right to process my data?

The applicable data protection law (= the EU General Data Protection Regulation) permits processing of your data (= personal data) when this processing is necessary for the purpose of performing a contract with you. This permission also applies to the processing of your data prior to the conclusion of a contract when you have applied to work for us.

## 4.3 Who has access to my data?

For the purposes of processing, your data may be transferred to:

- people within our company who are directly involved in data processing;
- public bodies (= authorities) that receive your data on the basis of legal provisions;
- service providers that are bound by contract and are contractually obliged to keep the data confidential, and that perform data processing subtasks;
- external companies, if necessary. Examples include postal services used to deliver letters, banks used to process payments made to you, or insurance companies.

## 4.4 Employee Medical Examination

Hospital management must ensure implementation of the measures required in accordance with the current state of medical knowledge to prevent nosocomial infections as well as the spread of pathogens, especially those which are resistant to treatment.

The employer may process employees' and applicants' personal data for the purpose of making decisions concerning the terms of their employment or the nature of their employment.

The employee medical officer will declare the employee or applicant in question to be either "fit" or "unfit", and will not provide the Medical Center's human resources department with any further details.

## 4.5 Will my data be transferred to countries outside the European Union?

In principle, we have no plans to do this. The only conceivable and possible exception would be in conjunction with the internationality of the function and any associated connections, for instance if you are involved in an order process from abroad or if you take on tasks as part of an international clinical study.

## 4.6 For how long will you store my data?

We will store your data for as long as we require it for the purposes specified under 4.1 above. If, for example, you stopped working for our company, these purposes would generally no longer need to be fulfilled, meaning that we would no longer require your data. However, there are legal provisions (e.g. Section 147 of the German Fiscal Code, the *Abgabenordnung*) that make it mandatory for us to retain certain records for six or ten years. We erase the data that we no longer require after the expiry of these retention periods.

# 5. What rights do I have?

## 5.1 Information about your rights

As the data subject, your rights (hereinafter also referred to as "data subject rights") under the General Data Protection Regulation include the following:

## 5.2 Right of access (pursuant to Article 15 GDPR)

You have the right to obtain confirmation from us as to whether we are processing personal data relating to you. If we are processing your personal data, you have the right to be told:

- why we are processing your data (see also point 4.1);
- which types of data we are processing in relation to you;
- which types of recipient receive or are to receive your data (see also point 4.3);

- for how long we will store your data; if we are unable to specify the duration of storage, we must tell you which criteria we use to determine the duration of storage (e.g. expiry of statutory retention periods) (see also point 4.6);
- that you are entitled to request that we rectify or erase the data concerning you, to request that we restrict the processing of this data or to object to such processing (see also 5.3 et seq. below);
- that you have the right to lodge a complaint with a supervisory authority;
- the source of your data, if we have not collected it from you directly;
- whether your data is used for automated decision-making; and, if this is the case, the logic on which the decision-making is based as well as the potential significance and consequences of automated decision-making for you;
- that, in cases where your personal data is transferred to a country outside the European Union, you are entitled to be informed about whether the data recipient has put an adequate level of protection in place and, if so, which safeguards it has implemented for this;
- that you are entitled to obtain a copy of your personal data. Copies of your data will generally be made available in electronic form.  
While the first copy will be made available free of charge, we may charge a reasonable fee for further copies. Copies can only be provided if doing so does not adversely affect the rights of others.

### 5.3 Right to have your data rectified (pursuant to Article 16 GDPR)

You have the right to have your data rectified by us if your data is inaccurate and/or incomplete. This right also includes the right to have your data completed by a supplementary statement or communication. Your data must be rectified and/or completed without undue delay.

### 5.4 Right to have your personal data erased (pursuant to Article 17 GDPR)

You have the right to have your personal data erased by us if:

- the personal data is no longer necessary in relation to the purposes for which it was collected and processed;
- the data is being processed on the basis of your consent and you have withdrawn this consent; this does not apply, however, if there are other legal grounds for processing the data;
- you have objected to data processing that is legally permissible on the basis of a “legitimate interest” (pursuant to Article 6(1)(e) or Article 6(1)(f) GDPR); the data must not be erased, however, if there are overriding legitimate grounds for continued processing;
- you have objected to the processing of your data for direct marketing purposes;
- your personal data has been unlawfully processed;
- the data concerns a child and was collected in relation to information society services (= electronic services) on the basis of consent (in accordance with Article 8(1) GDPR).

You are not entitled to have personal data erased if:

- the request for erasure conflicts with the right of freedom of expression and information;
- the processing of personal data is necessary:
  - for compliance with a legal obligation (e.g. statutory retention requirements),
  - for the performance of public services or tasks carried out in the public interest in accordance with the applicable law (this also includes public interest in the area of “public health”) or
  - for archiving and/or research purposes;
- the personal data is required for the establishment, exercise or defence of legal claims.

The data must be erased immediately (without undue delay). If we have made personal data public (e.g. through publication online), we must take reasonable steps, in consideration of the technology available, to ensure that other data processors are informed of the request for erasure, including the erasure of any links, copies and/or replications.

## 5.5 Right to the restriction of data processing (pursuant to Article 18 GDPR)

You have the right to have the processing of your personal data restricted in the following cases:

- If you have contested the accuracy of your personal data, you can request that we limit its processing for the period during which we verify its accuracy by only using your data for these verification purposes.
- If your data is being processed unlawfully and you are opposed to the erasure of your data, you can request that the use of your data be restricted instead.
- If we no longer need your personal data but you require it for the establishment, exercise or defence of legal claims, you can request that our processing of your data be restricted to the purposes of pursuing legal claims;
- If you have objected to data processing (in accordance with Article 21(1) GDPR) (see also point 5.7) and it is still unclear whether our interests in processing your data override your interests, you can request that we limit the processing of your data for the period during which we verify this by only using your data for these verification purposes.

Where processing has been restricted at your request, this personal data shall, with the exception of storage, only be processed

- with your consent,
- for the establishment, exercise or defence of legal claims,
- for the protection of the rights of another natural or legal person or
- for reasons of important public interest.

You will be informed in advance prior to the lifting of any restrictions on processing.

## 5.6 Right to data portability (pursuant to Article 20 GDPR)

You have the right to request that we give you the data which you have provided to us in a commonly used electronic format (e.g. in a PDF or Excel file).

You also have the right to request that we transmit this data directly to another company (via a specific company), provided that this is technically feasible for us.

You may only exercise this right if your data is being processed on the basis of consent or in order to perform a contract (see point 4.2) and the processing is being carried out by automated means.

The exercise of the right to data portability must not adversely affect the rights and freedoms of others.

If you make use of the right to data portability, you will still have the right to request the erasure of your data in accordance with Article 17 GDPR.

## 5.7 Right to object to certain data processing activities (pursuant to Article 21 GDPR)

If your data is being processed for the performance of tasks carried out in the public interest or for the safeguarding of legitimate interests (see point 4.2), you have the right to object to this processing. You must tell us on which grounds, relating to your particular situation, you are objecting to this processing. Examples include particular family circumstances or legitimate interests in your data being kept confidential.

If you exercise your right to object, we must stop processing your data for the purposes specified under point 4.1 unless

- there are compelling legitimate grounds for processing that override your interests, rights and freedoms or
- the processing is necessary for the establishment, exercise or defence of legal claims.

You can object at any time to your data being used for direct marketing purposes; this also applies to profiling to the extent that it is related to such direct marketing. If you exercise your right to object, we may no longer use your data for direct marketing purposes.

## 5.8 Prohibition of automated decision-making/profiling (pursuant to Article 22 GDPR)

Decisions made by us that have legal consequences for you or significantly affect you (e.g. whether we invite you to attend an interview) must not be based solely on the automated processing of personal data. Profiling is included in this. This prohibition does not apply if the automated decision-making

- is necessary for entering into or performing a contract with you,
- is authorised by legal provisions that lay down suitable measures for safeguarding your rights, freedoms and legitimate interests or
- is based on your explicit consent.

Decisions that are solely based on the automated processing of *special categories of personal data* (= sensitive data) are only permissible if

- they are made on the basis of your explicit consent or
- the processing is carried out on important grounds of public interest

and suitable measures have been taken to safeguard your rights, freedoms and legitimate interests.

## 5.9 Exercising your data subject rights

To exercise your data subject rights, please contact the parties listed under point 3 above. Requests that are sent electronically will generally also be responded to electronically. The information, communications and actions, including the “exercise of data subject rights”, which are to be provided and taken in accordance with the GDPR are generally provided and taken free of charge. We may only charge a reasonable processing fee or refuse to act on a request if requests are manifestly unfounded or excessive (pursuant to Article 12(5) GDPR).

If we have reasonable doubts as to your identity, we may request additional information from you in order to identify you. If we are unable to identify you, we are entitled to refuse to process your enquiry. If we are unable to identify you, we will inform you of this whenever possible (see Article 12(6) and Article 11 GDPR).

We will generally process requests for access and information without undue delay and within one month of receipt of the request. This period may be extended by two further months where necessary, taking into account the complexity and/or number of requests; in the event of such an extension, we will inform you of the reasons for the delay within one month of receipt of your re-request. If we do not act on a request, we will inform you of the reasons for this without delay and within one month of receipt of the request and will inform you of the possibility to lodge a complaint with a supervisory authority or seek a judicial remedy (see Article 12(3) and (4) GDPR).

Please note that your entitlement to exercise your data subject rights will be limited by restrictions imposed by Union or Member State law. (Article 23 GDPR)

## 5.10 Is it mandatory for me to share my data with you?

We require you to share your personal data with us so that we can fulfil the purposes outlined under point 4.1 above. In many cases, you are legally required to provide this data and in other cases, we need this information in order to enter into and perform a contract with you.

Failing to provide us with your data would result in violations of the law and would make it impossible for us to conclude a contract with you.

## 5.11 Options for legal protection

If you wish to make a complaint, you can contact the competent supervisory authority at any time. The supervisory authority responsible for our company is specified under point 3.3 above.

You also have the right to a judicial remedy against a supervisory authority (pursuant to Article 78 GDPR). Equally, you have the right to a judicial remedy against our company (pursuant to Article 79 GDPR).

I hereby confirm that I have taken note of the information provided here on the handling of personal data.

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Place, date

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Signature of the applicant