

Data protection information for employees, temporary workers, Bachelor's and Master's students, interns and applicants

This document will inform you about how we process your personal data and the rights to which you are entitled under data protection regulations in accordance with Chapter III GDPR.

1. Who is responsible for data processing and who can I contact?

BEWA solutions GmbH
Horst-Uhlig-Straße 4
56291 Laudert

Our formally appointed external Data Protection Officer is:

Michael Grein (ext. DPO)
Verimax GmbH, Warndtstr. 115, 66127 Saarbrücken,
Germany
Phone: +49 89 800 6578- 25

DSB-bewa-solutions@verimax.de

2. Which sources and data do we use?

We process personal data (Art. 4(2) GDPR) that we receive from you in the course of the selection and recruitment process or during the employment relationship. To the extent necessary for the employment relationship, we also process personal data that we collect from other bodies on a legal basis (e.g. event-related queries of tax-relevant data from the responsible tax office, information on periods of incapacity for work from the health insurance company). Furthermore, we process personal data that we have legitimately received from third parties (e.g. recruitment agencies). Relevant personal data is primarily your master data (first name, surname, HR number, address and other contact data), the log data generated when using the IT systems and other data from the employment relationship (e.g. time recording data, holiday periods, periods of incapacity for work, appraisals, training, personal data, bank details, national insurance number, pension insurance number, salary data and tax identification number) and other data comparable with the categories mentioned. This may also include special categories of personal data pursuant to Art. 9(1) GDPR (e.g. health data).

3. Why do we process your data (purpose of processing) and on what legal basis?

We process personal data in compliance with the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG).

3.1. For the fulfilment of contractual duties (Art. 6(1)(B) GDPR in conjunction with Section 26(1) BDSG; Art. 88(1) GDPR in conjunction with Section 26(4) BDSG)

The processing of personal data takes place primarily in the context of employment, i.e. in particular for the purposes of recruitment, the fulfilment of the contractual relationship including the fulfilment of obligations laid down by law or collective agreements (works agreements) and for the purposes of exercising individual or collective rights and benefits associated with employment and for the purposes of terminating the employment relationship.

In particular:

- for recording attendance and absence times;
- for payroll accounting and reimbursement of travel expenses;
- for HR administration (e.g. company car processing, insurance, pension scheme);
- for HR file management;
- for employee departure management (e.g. issuing certificates).

3.2. With regard to weighing up interests (Art. 6(1)(F) GDPR)

If necessary, we shall process your data beyond the actual performance of the contract to protect our legitimate interests or those of third parties. In particular:

- to carry out and document legally or operationally necessary legal, technical or economic audits (e.g. auditor, reliability check in accordance with the German Money Laundering Act (GwG));
- to ensure proper data processing in accordance with IT security and data protection requirements (e.g. log files);
- to analyse and correct technical errors;
- to ensure system security and system availability;
- to optimise and control the systems (e.g. updating the list of blocked websites, "black list"; optimisation of network services);
- for data protection control/for data protection and data security purposes;
- for the purpose of identifying contact persons (e.g. names, telephone numbers, e-mail addresses, position, department/team affiliation) and carrying out internal and external communication;
- for HR scheduling and HR controlling;
- for workforce management and scheduling;
- for HR management;
- for behaviour and/or performance monitoring (in particular in accordance with staff representation law);
- for access/access control;
- for HR reporting;
- for employee development;
- for the storage of resubmission data (e.g. expiry of probationary period, fixed term, duration of maternity leave, etc.);
- for the automated driving licence checks in the context of owner liability.

3.3. On the basis of your consent (Art. 6(1)(a) GDPR)

If you have given us your consent to process your personal data for certain purposes (e.g. implementation of a company integration management programme; implementation of employee surveys on a voluntary basis), the legality of this processing is deemed to be a given on the basis of this consent. Given consent can be revoked at any time. This shall also apply to the revocation of declarations of consent (such as for publications for the staff magazine) issued to us prior to the GDPR becoming valid, i.e. before 25 May 2018.

Please note that the revocation shall only be effective for the future. Processing performed prior to the revocation is not affected. Termination of the employment relationship does not affect the legality of the consent, therefore, consent should be revoked at the end of the contractual relationship if necessary.

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3.4. On the basis of statutory requirements (Art. 6(1)(c) GDPR in conjunction with Section 26 BDSG)

As an employer, we are also subject to various legal obligations, i.e. legal requirements. Processing is carried out, for example,

- to fulfil legal requirements (e.g. tax matters, official statistics, social security, etc.);
- to fulfil legal obligations to provide information.

3.5. Processing of special categories of personal data for the fulfilment of rights/obligations provided for by law/collective agreements in the area of labour law, social security or social protection law (Art. 9(2)(b) GDPR in conjunction with Section 26(3) BDSG, assessment of fitness for work (Art. 9(2)(h) in conjunction with 22(1)(b) BDSG)

Insofar as we process special categories of personal data, this is to exercise rights or fulfil legal obligations under labour law, social security law and social protection law in the context of the employment relationship. In particular:

- disclosure of health data to the health insurance company;
 - recording of severe disability due to additional leave and determination of the severely disabled levy.
- In addition, the processing of health data in accordance with Art. 9(2)(h) in conjunction with Art. 22(1)(b) BDSG may also be necessary to assess your ability to work.

4. Who receives my data?

Within the company, bodies that receive your data are those which need it to fulfil our contractual and legal obligations (such as the respective managers, departments).

In addition, we sometimes use different service providers or processors to fulfil our contractual and legal obligations. You can view a list of the processors and other service providers we use in our data protection management system or have it made available to you on request.

In addition, we may transfer your personal data to other recipients outside the company if this is necessary to fulfil our contractual and legal obligations as an employer. These may include:

- authorities (e.g. pension insurance institutions, occupational pension schemes, social insurance institutions, tax authorities, courts);
- employee's bank (SEPA payment medium);
- medical insurance companies;
- travel management for the organisation and processing of trips abroad (e.g. employee secondment)
- insurance partner for foreign health insurance for employee secondments;
- provision of pension schemes in order to be able to pay out capital-forming benefits;
- service providers for HR management software with applicant portal.

5. How long will my data be stored?

Insofar as necessary for the purposes mentioned above (item 3), we shall process your personal data for the duration of your employment relationship, which also includes, for example, the initiation and execution of the employment contract. It should be noted that the employment relationship is a continuing obligation that is intended to run for years. If no employment relationship is established after the selection process, we will delete your personal data within three months of the last correspondence.

Furthermore, we are subject to various storage and documentation obligations, including those arising from the

German Commercial Code (HGB) and the German Fiscal Code (AO). The subsequent storage periods are up to ten years.

Ultimately, the storage period shall also be determined by the statutory limitation periods, which pursuant to Sections 195 et seq. of the German Civil Code (BGB), for example, are generally three years; however, in certain cases, these may be as long as thirty years.

6. Is data transferred to a third country or an international organisation?

Data is not actually transferred to third countries (countries outside the European Economic Area – EEA). The transfer of personal data to third countries may only be necessary in the case of employee secondments and for the organisation and processing of trips abroad. This applies in particular to hotel reservations, flight bookings, rental vehicles, and visas, etc.

7. What are my data protection rights?

Every data subject has the right of access to **information** under Art. 15 GDPR, the right to **correction** under Art. 16 GDPR, the right to **deletion** under Art. 17 GDPR, the right to **limitation of processing** under Art. 18 GDPR, the right to **data transferability** under Art. 20 GDPR as well as the right to object pursuant to Art. 21 GDPR. In the case of right to information and right to deletion, the restrictions pursuant to Sections 34 and 35 of the Federal Data Protection Act (BDSG) apply. Furthermore, the right to object to a data protection supervisory authority applies (Art. 77 GDPR in conjunction with Section 19 BDSG). For example:

Datenschutz und Informationsfreiheit Rheinland-Pfalz
Hintere Bleiche 34, 55116 Mainz, Germany
Phone: +49 6131 208 2449
Fax: +49 6131 208 2497
Website: <https://www.datenschutz.rlp.de/>
E-mail: poststelle@datenschutz.rlp.de

8. Am I obliged to provide data?

In the context of your employment, you shall only need to provide the personal data that is necessary for the establishment, implementation and termination of the employment relationship and the fulfilment of the associated contractual obligations or that we are legally obliged to collect. Without this data, we shall generally not be able to fulfil the contractual relationship with you.

9. To what extent is there automatic decision-making (including profiling) in individual cases?

In principle, we do **not** use automated decision-making – including profiling – to establish, implement and process the employment relationship in accordance with Art. 22 GDPR. If we use these procedures in individual cases, we shall inform you of this separately.