

# Data protection information for applicants

## in accordance with Art. 13 and 14 of the General Data Protection Regulation (GDPR)

Data protection is important to us. The following information explains how we use your personal data and outlines your rights.

This data protection information is valid for candidates applying for a job in Eugen Forschner GmbH and her subsidiaries in Germany – in particular Forschner PTM GmbH, Griesstraße 10, 78601 Mahlstetten

### 1. Entity responsible for data processing and contact person

Eugen Forschner GmbH  
Max-Planck-Straße 14  
78549 Spaichingen

Management Board: Peter Decker, Dietmar Geiger

Email: [info@forschner.com](mailto:info@forschner.com)

### 2. Contact details of the Data Protection Officer (DPO)

Bernd Knecht  
Rotdornweg 7  
73230 Kirchheim /Teck

Email: [datenschutz@forschner.com](mailto:datenschutz@forschner.com)

### 3. Purpose and legal basis on which we process personal data

We process all personal data in accordance with the provisions of the General Data Protection Regulation (GDPR), the Data Protection Adaptation and Implementation Act (EU DSAnpUG-EU) and other relevant data protection regulations. Our contract documents, forms, consent forms and other information provided to you (e.g. on our website) contain further details and more information on why we collect data in those specific instances.

#### 3.1 Consent (Art. 6 para. 1 (a) GDPR)

If you have consented to the processing of personal data, this consent will form the legal basis on which this data will be processed in that specific instance. You have the right to withdraw this consent with future effect at any time.

#### 3.2 Performance of contractual duties (Art. 6 para. 1 (b) GDPR)

We will process your personal data for the purpose of processing your application. This processing may involve electronic data processing methods. This will be the case in particular if you have submitted your application documents electronically, such as by email or through a contact form on our website.

#### 3.3 Compliance with legal obligations (Art. 6 para. 1 (c) GDPR)

We process your personal data where required for compliance with a legal obligation.

#### 3.4 Legitimate interests pursued by us or a third party (Art. 6 para. 1 (f) GDPR)

We may furthermore use your personal data where necessary based on a weighing of interests to pursue our or a third party's legitimate interest. We may do so for the following purposes:

- For obtaining information and exchanging data with credit agencies if a contract involves significant economic risk

- For storing limited amount of your data if it is not possible to delete this data because of the particular way it has been stored or if deleting it (e.g. from an email archive) would require disproportionate expense
- For enforcing legal claims and as evidence in legal disputes that are not directly related to our contractual relationship with you
- For to ensure and exercise our property rights through appropriate measures (e.g. visitors' list and video surveillance).

#### **4. Categories of personal data we process**

We process the following data:

- Personal details (name, job title/position in company/sector and similar information)
- Contact details (address, email address, telephone number and similar information)
- Application documents (such as, e.g. CV, certificates, certificates of professional competence, references)
- All of the information you provide to us in relation to your application
- Accounting data in connection with reimbursement of costs occurred due to a job interview in one of our facilities.

#### **5. Who will get to see your data?**

Within our company, we only provide your personal data to those divisions, including divisions in the parent company and appropriate subsidiaries, that need this data in order to fulfil our contractual and legal obligations or to pursue our legitimate interests. Primarily this are members of the management board, division and department managers and employees in Human Resource Department. In single cases we also include colleagues in the team / department in the process of decision.

In addition to those, your information may also be passed on to the following:

- The processor employed by us (Art. 28 GDPR), service providers who provide associated services and other persons responsible in the meaning of the GDPR, in particular in the areas of IT services, logistics, courier services and letter post, printing services, external data processing centers, IT application support/maintenance, archiving, document processing, accounting and controlling, data destruction, purchasing/procurement, customer management, mailing services, letter shops, marketing, telephony, website management, tax accountancy, auditing services, credit institutions
- Public authorities and institutions if there is a legal or official requirement to provide, report or pass on information or if it is in the public's interest to disclose information
- Bodies and institutions on the basis of our or a third party's legitimate interest (e.g. authorities, credit agencies, debt collection agencies, lawyers, courts, experts and supervisory bodies)
- Other bodies that you have authorized us to provide with your data

#### **6. Transfer of personal data to a third country or international organization**

Your personal data will not be processed outside of the European Union (EU) respectively of the European Economic Area (EEA).

#### **7. How long we'll keep your information**

If the entity responsible for processing an application enters into an employment contract with an applicant, the data provided will be stored for the purpose of the performance of the employment relationship taking into account the legal regulations. If the entity responsible for processing an application does not enter into an employment contract with an applicant, the application documents will be erased six months following the announcement of the candidate rejection provided. An erasure does not impact on any other legitimate interests of the entity responsible for processing. Within this context, other legitimate interests may, for example, constitute the burden of proof in proceedings pursuant to the General Equal Treatment Act (AGG).

## **8. To what extent do we use automated individual decision-making (including profiling)?**

We do not use any purely automated decision-making processes in accordance with Article 22 GDPR. Should we ever make use of such processes in individual cases, you will be notified of such separately if legally required.

## **9. Your data protection rights**

You can exercise your rights, also including the subsidiaries in Germany of Eugen Forschner GmbH, contacting the entity responsible for processing or the DPO (details you can find in chapter 1. and 2.).

### **9.1 Right of access**

You can ask for information whether or not we process any personal data of you. In case the right of access is not excluded (i.e. by a certain legal obligation) and your personal data is been processed by us, you can ask for the following information:

- purposes of the processing
- categories of personal data concerned
- recipients or categories of recipients, to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organizations
- where possible, the envisaged period for which the personal data will be stored, or, if not possible the criteria used to determine that period
- the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing
- the right to lodge a complaint with a supervisory authority
- where the personal data are not collected from you - the data subject, any available information as to their source
- if applicable, the existence of automated decision-making, including profiling including meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing
- if applicable, information about transfer of personal data to a third country or an international organization, in case there is no adequacy decision of the EU-commission about the adequacy of the level of protection according to article 45 para.3 GDPR available, you can ask for information about which appropriate safeguards are available in order to protect your personal data according to article 46 para.2 GDPR

### **9.2 Right to rectification**

Whenever you recognize, that your personal data stored in our folders is inaccurate, you immediately can insist on rectification. If you recognize that your personal data is incomplete you have the right to have incomplete personal data completed.

### **9.3 Right to erasure (right to be forgotten)**

You have the right to erasure, whenever processing of your personal data is not to apply to the extent for exercising the right of freedom of expression and information or for compliance with a legal obligation or for the performance of a task carried out in the public interest and one of the following reasons applies:

- the personal data are no longer necessary in relation to the purposes for which they were collected
- processing was exclusively based according to article 6 para.1 point a and you have withdrawn consent
- you object processing your personal data processed based on article 6 para.1 point f GDPR (see chapter 3) according to article 21 para 1 GDPR and there are no overriding legitimate grounds for the further processing, or you object processing your personal data for direct marketing purposes according to article 21 para.2 GDPR
- your personal data have been unlawfully processed
- erasure of your data is required in order to comply with legal obligation

No right to erasure exists, if in case of legal and non-automated processing of your personal data and in case due to the special nature of data storage erasure is not possible, or only possible with disproportional high effort. In this case instead of erasure we will perform restriction of processing your data.

#### **9.4 Right to restriction of processing**

You have the right to obtain restriction of processing your personal data, if one of the following reasons applies:

- you contest the accuracy of the personal data stored and you insist in restriction of processing your data during the period enabling us to verify the accuracy of your data.
- processing of your data is unlawful and instead of erasure you ask for restriction of processing
- your personal data are no longer needed for the purposes of the processing, but you require them for the establishment, exercise or defense of legal claims.
- you have objected to processing pursuant to article 21 (1). You can insist on restriction of processing for the time pending the verification whether our legitimate grounds override your legitimate grounds.

Restriction of processing means, that we process your personal data solely either we have your consent, or for establishment, exercise or defense of legal claims, or for the protection of the rights of another natural or legal person, or for reasons of important public interest. Before lifting the restriction of processing, we will inform you about that.

#### **9.5 Right to data portability**

You have the right to data portability in case processing is based on consent (GDPR Art. 6 para. 1 point. a) or Art. 9 para. 2 point. a)) or based on a contract (GDPR Art. 6 para.1 point b) and the processing is carried out by automated means. Right of data portability means that you have the right to receive personal data, which you provided to us earlier and concerning yourself, in a structured, commonly used and machine-readable format. You have the right to transmit those data to another controller without hindrance from our end. Your right means also that you can insist on transmittance of your data directly to the new controller as long as this is technically feasible.

#### **9.6 Right to object**

Providing that processing your data is based on GDPR Art. 6 para. 1 point.e) (performance of a task carried out in the public interest or in the exercise of official authority vested) or based on GDPR Art. 6 para. 1 point f) (legitimate interests pursued by the controller or a third party) including profiling on those provisions, you have the right on grounds relating to your particular situation to object processing your personal data at any time. After your object we no longer will process your personal data unless we demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or the processing is used for the establishment, exercise or defense of legal claims. At any time, you can object processing your data for direct marketing purposes. This includes also profiling which is related to such direct marketing. In case you object processing based on this purpose we will stop processing immediately. You can communicate your objection informal via phone, via FAX, via Email or via letter post directed to the above-mentioned contact details of our company.

#### **9.7 Withdrawal of consent**

You have the right to withdraw given consent to processing your personal data at any time. The withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal. To withdraw is as easy as to give consent. You can communicate your withdrawal informal via phone, via FAX, via Email or via letter post directed to the above-mentioned contact details of our company.

### **9.8 Your Right to lodge a complaint with the responsible supervisory authority**

If you consider the processing of your personal data unlawful, you can lodge a complaint with a supervisory authority that is responsible for your place of residence or work or for the place of the suspected infringement (Art. 77 GDPR). The supervisory authority responsible for us is:

The State Commissioner for Data Protection and Freedom of Information  
Lautenschlagerstraße 20  
70173 Stuttgart, Germany

Phone: +49 (0) 711 / 615541-0

Fax: +49 (0) 711 / 615541-15

Email: [poststelle@fdi.bwl.de](mailto:poststelle@fdi.bwl.de)

Web: <https://www.baden-wuerttemberg.datenschutz.de>

### **10. Scope of the data you are required to provide**

You are only required to provide us with the data necessary for the application process. Without these data, we are generally unable to enter into an employment contract with you. Should we ever request any data in excess of this essential data, we will specifically make you aware of the fact that provision of such data is voluntary.

### **11. Status and Updating of this data protection information**

This data protection information is the current version valid since 29<sup>th</sup> march 2019. We reserve the right to update this data protection information at any time, in order to comply with legal practice and changed behavior of public authorities and / or to improve data protection and privacy.