

Information on data protection during selection procedures for chairs at Hamburg University of Applied Sciences (appointment procedures)

Within the scope of your application, Hamburg University of Applied Sciences (HAW Hamburg) will process your personal data. With the General Data Protection Regulation (GDPR), the European Union has taken on the task of harmonising the rules on the processing of personal data. If the HAW Hamburg processes personal data within the scope of your application, this means that it will collect, store, use, transfer, make available for retrieval or erase such data.

In the following, you will be informed about the specific personal data that is collected, from whom it is collected and what happens to such data. You can also find out whom to contact in this context.

1. Whom can you contact in the case of questions or problems?

Questions concerning the job advertisement procedure may be addressed to the HR department of the HAW Hamburg. Please find the corresponding contact details in the respective job advertisement that has been published. If you are applying or have applied for employment at the HAW Hamburg without a job advertisement procedure, please contact the HR department of the HAW Hamburg.

If you have any questions regarding the processing of your personal data, please contact the HR department of the HAW Hamburg. For data protection questions, you can also contact the HAW Hamburg data protection officers.

HAW Hamburg
Ms Ann Kristin Spreen
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Berliner Tor 5
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2. For what purpose is your data processed?

Personnel selection procedures are carried out to fill vacant posts in order to ensure non-discrimination and the best possible selection on the basis of suitability, performance and expertise. When selecting personnel, the personal data of the applicants is required for the lawful decision-making process and is processed within the scope of the recruitment procedure (Art. 10 (1-3), Data Protection Act of Hamburg [HmbDSG] in connection with Art. 85 (1), Higher Education Act of Hamburg [HmbBG]). The decision-making process, which is managed by the HR department of the HAW Hamburg, includes written or electronic communication with the applicants, the evaluation of the application documents, the involvement of the departments as well as interest groups (equal opportunity commissioner, disabled persons' representative, staff council) and, if necessary other decision-making bodies (e.g. personnel office), the organization and completion of aptitude tests (e.g. job interviews, assessment centre), the evaluation of the results of the aptitude tests, the creation of a final statement and the sending of rejections and/ or the appointment and the associated creation of a personnel file.

Under special circumstances, additional data may be collected in the scope of occupational medical examinations and/or security checks (see 5.).

3. What personal data is processed?

- Personal identification data and contact details
- Application documents
 - Covering letter
 - Curriculum vitae
 - Employment references / assessments
 - Qualification certificates
 - Other certificates
 - Additional information provided on application forms, if applicable
 - Any other data or documents that you may have submitted
- Emails or covering letters as part of the application correspondence
- Information gained through personnel selection tools

Personal data may also be collected from third parties with your consent. For example, your personnel file may be requested from your previous personnel department in the event of a change of department/secondment or a transfer from another employer and/or from another German federal state.

4. How is this data processed?

The application documents you submit will be stored electronically and processed or, in the case of paper files additionally kept by the entity that issued the job advertisement. Your personal identification and contact details as well as data relevant to the position (existing professional experience, qualifications and special notes on your part) will be transferred to an application management system and/or to electronic documents. This data will be supplemented by the assessments of the application documents.

In case of a selection interview or the use of other forms of aptitude testing, parts of your answers as well as evaluations of your answers will be documented digitally and/or in paper form, stored and entered into the application management system and/or into electronic documents and assigned to your data.

In the scope of the selection decision, your identification details will be documented and stored in a selection notice together with the results of the aptitude testing.

Your data will be handled confidentially and will only be stored and processed within the scope of this application procedure. Access to the data collected during the selection procedure will only be granted to the HAW Hamburg or the responsible HR department and to the parties involved in the selection process, including the relevant interest groups.

The data collected during the application process of the persons who are hired will be stored in a personnel file by the responsible HR department.

5. Under what conditions may your data be forwarded to others?

All personal data may only be transferred to other persons or public authorities, public or non-public bodies if you have given your consent or if the transfer is permitted by law.

● **Staff Council (PR)**

Within the scope of the participation rights of the Staff Council in accordance with the Staff Representation Act of Hamburg (HmbPersVG), the Staff Council will be provided with the personal data required for the completion of its tasks. The type and scope of the participation is defined in the Staff Representation Act of Hamburg (HmbPersVG). Among others, this also stipulates that documents containing personal data are to be returned or destroyed after the completion of the co-determination procedure (Art. 78 (5), Staff Representation Act of Hamburg [HmbPersVG]).

● **Equal Opportunities Officer (GB)**

In order to carry out their tasks in accordance with the Hamburg Equal Opportunities Act (HmbGleiG), personal data will be disclosed and/or transferred to the equal opportunities officers of the entities. The equal opportunities officers must be informed of all pending personnel, social and organisational measures relating to equality between women and men and the balance between work and family life.

● **Representative for persons who are registered disabled**

The representative body for persons who are registered disabled must be involved in all matters affecting an individual who is registered disabled or registered disabled persons as a group. It will therefore be provided with the personal data necessary for the completion of its tasks. The type and scope of the participation is defined in Section 178 of the German Social Security Code, Book IX.

● **Appeals Committee**

The Appeals Committee carries out the selection procedures for the professorships to be filled at the university. To be able to complete this task, all necessary personal data, especially application documents, will be transmitted to this committee. The legal basis for its participation and composition is Art. 14 (2), University Act of Hamburg (HmbHG).

● **Staff Medical Service (PÄD) / Occupational Medical Service (AMD)**

In the scope of the examination of health suitability prior to employment (Art. 10 (2), University Act of Hamburg [HmbBG]), in certain cases, an examination can be carried out by the staff medical service or by the occupational health service with your consent. For this purpose, data will be transmitted to the Staff Medical Service or Occupational Medical Service. After the medical examination, the medical opinion will be sent to the appointing authority (Art. 44, University Act of Hamburg [HmbBG]).

● **State Office of Criminal Investigation (LKA) / State Office for the Protection of the Constitution**

In the case of an employment which involves access to a secure area in terms of Art. 1 (2) of the Security Clearance and Confidentiality Protection Act of Hamburg (BSüGG), a security check will be carried out with your consent. For this purpose, your identification data will be forwarded to the responsible State Office of Criminal Investigation (Art. 34 of the Security Clearance and Confidentiality Protection Act of Hamburg (BSüGG)) or to the State Office for the Protection of the Constitution (Art. 3 (2)). The findings of the review that are relevant for the purpose of hiring will be

forwarded by the State Office of Criminal Investigation or the Office for the Protection of the Constitution to the entity responsible for the appointment.

- **Department of human resources / courts**

In the event of legal disputes, the data may be transferred to the department of human resources and the participating courts.

In case of an employment, your future department will process additional data. Further information is available there.

- **Data Controller**

Your personal data will be processed in an applications management system from BITE GmbH, which is run externally.

6. For how long will your data be stored?

One year after completion of the recruitment procedure at the latest, all of the data that is not required for the establishing of an employment relationship, the implementation and/or transfer, or in the scope of personnel development, will be erased. This retention period is necessary for the documentation of the procedure and possible legal assessment processes that may result. This does not apply if legal regulations prevent the erasure or if continued storage is necessary for the purpose of providing evidence.

Written application documentation will be returned to you no later than the closing date for the submission of applications or destroyed.

7. What rights (right of access, right to object, etc.) do you have?

According to the General Data Protection Regulation, you have different rights. The details are provided in Articles 15 to 18 and 21 GDPR.

- **Right of access (Article 15, GDPR)**

You can request access to your processed personal data, or - in the case of recruitment - to inspect your personnel file (Art. 88, University Act of Hamburg [HmbBG], Art. 3 (6) of the Framework Collective Agreement for the Federal States [TV-L]). In your request for access, you should specify your concern so as to facilitate the compilation of the necessary data.

- **Right of rectification (Article 16, GDPR)** If the information concerning you is not (or is no longer) correct, you can request its immediate rectification. If your data is incomplete, you can request that it is completed.

- **Right of erasure / "right to be forgotten" (Article 17, GDPR)**

The question of whether you can demand the immediate erasure of your personal data depends, among others, on whether the data concerning your person is still required by the responsible HR department in order to fulfil the statutory tasks.

- **Right to the restriction of processing (Article 18, GDPR)**

You have the right, under certain conditions, to request a restriction of the processing of the data concerning your person.

- **Right of objection (Article 21, GDPR)**

You have the right to object at any time, for reasons relating to your particular situation, to the processing of personal data concerning your person. However, this cannot be fulfilled if the controller is able to demonstrate compelling reasons for the processing that are worthy of protection and that outweigh your interests, rights and freedoms, or if the processing has the purpose of asserting, exercising or defending legal claims.

- **Right to lodge a complaint (Article 77, GDPR)**

You have the right to lodge a complaint with a supervisory authority if you consider that the processing of personal data relating to you, infringes the GDPR (Article 77 GDPR).

General information on these rights:

In some cases, your request cannot or may not be complied with. If your request cannot be complied with for statutory reasons, you will be informed of the reason for the refusal.