

This is an unofficial English translation of the original German version of this information. It is provided for informational purposes only. The original German version of this information shall remain definitive and binding.

## **Information to be provided to a data subject, pursuant to Art. 13/14 GDPR**

The purpose of this requirement to provide information to data subjects is to ensure that users receive full information on the type, extent and purposes of the collection and use of personal data in relation to the publication of their degree thesis in the repository of HAW Hamburg/in the internet.

Hamburg University of Applied Sciences (HAW Hamburg) takes data protection very seriously. It handles personal data with strict confidentiality and in line with the provisions of law. Due to the advent of new technologies and continuous developments to the REPOSIT service and process, there may be changes to the information we are required to provide and to these details of that information; we therefore recommend you regularly reread the data protection statement we provide.

For further details of the terms we use in this information, such as 'personal data', we refer readers to the definitions set out in Art. 4 of the EU General Data Protection Regulation (GDPR).

### **1. Type of data processing involved**

This data protection statement refers to the publication of degree theses completed by students of HAW Hamburg/a digital copy of the thesis in the HAW Hamburg repository/in the internet.

### **2. Contact details of data controller**

The institution responsible for data protection pursuant to the EU General Data Protection Regulation and other national data protection legislation issued by the EU member states, and pursuant to other data protection regulations, is:

Name of institution: Hochschule für Angewandte Wissenschaften (HAW Hamburg)

Street: Berliner Tor 5

Postcode, city: 20099 Hamburg

Tel.: +49.40.42875-0

Fax: +49.40.42875-9149

Email: [datenschutz@haw-hamburg.de](mailto:datenschutz@haw-hamburg.de)

HAW Hamburg is a corporation under public law. Its legal representative is Prof. Dr. Ute Lohrentz, President of HAW Hamburg, Berliner Tor 5, 20099 Hamburg.

### **3. Contact details of institution commissioned to manage data protection at HAW Hamburg**

Name of organisation: datenschutz nord GmbH

Street: Konsul-Smidt-Straße 88

Postcode, city: 28217 Bremen

Internet address: <https://www.dsn-group.de/>

Email address: [office@datenschutz-nord.de](mailto:office@datenschutz-nord.de)

#### **4. Purposes of data processing and legal basis on which processing takes place**

##### **4a) Purposes of data processing:**

In HAW Hamburg's repository (REPOSIT), documents and metadata relating to publications (including degree theses), research data, events and research projects ('research information') are processed, stored, published (in most instances), retained for analytical purposes (in REPOSIT and Kibana) and (in some instances) archived. The repository component in particular serves the purpose of publishing worldwide (in the internet) and making available digital publications in line with the principles of open access (as a rule, this takes place for the following collections: 'Publications with full text', 'Research data (with datasets)', and 'Theses').

The purposes of the processing and publication of these data are:

- the provision of unambiguous proof and acknowledgement of authorship
- the unambiguous identification, searchability, locatability and delivery of the publication in question
- the archiving of HAW Hamburg's academic/scientific output, the permanent availability of the relevant descriptive metadata, the publication's resulting ability to be cited, etc.
- meeting the requirements for core metadata properties for online publications and similar.

The system has to store the user's IP address temporarily in order to deliver the website to the user's computer. Data storage in log files takes place to ensure the website is functional. The data also serve the purposes of optimising the website and of ensuring the security of the system used. The data shall not be analysed for marketing purposes.

The data sets in the system contain, alongside other types of data, personal data, such as:

- metadata (these describe a publication, research data, an event or a research project – they include, among other things, the first names and surnames of the individuals/authors/copyright holders and/or those involved in the research project (where applicable) and supervisors/first and second examiners; institutional affiliation; roles; date of publication; date of submission of thesis; type of thesis; etc. Further data stored, but accessible only to system administrators, are: the first name and surname of the person who entered the data and made them accessible; their role; the date and time)
- persistent, unambiguous individual identifiers (e. g. ORCID)
- data files in various formats
- login data (name, username, email address, date and time of last login, user's role(s) (employee/previous employee of HAW Hamburg, student → link to the publications etc. published in this repository, incl. date and time of last change made))
- temporary storage of IP address and log files.

As a rule, personal data are processed with other, non-personal, descriptive data, e.g. title of publication, abstract and similar data.

##### **4b) Legal bases on which data processing takes place:**

The legal basis of the processing of data is Art. 6 paragraph 1 s. 1 b) GDPR, that is, a publication contract.

Alongside this, authors/students of HAW Hamburg can give their degree thesis a Creative Commons licence, which enables the reuse and dissemination of the data. In the case of degree theses for which the legal basis of data processing is not formed by a publication contract, the legal basis of the data processing shall be Art. 6 paragraph 1 s. 1 a) GDPR, that is, the giving of consent to data processing. The legal basis for processing related to the temporary storage of IP addresses and log files is Art. 6 paragraph 1 s. 1 e), paragraph 3 GDPR alongside Section 4 HmbDSG (Hamburg Data Protection Act), Section 94 HmbHG (Hamburg Higher Education Act).

Pursuant to Art. 13 paragraph 2 e) GDPR, the provision of personal data follows from the stipulations set out in contracts and agreements and from legal duties. In compliance with Art. 13 paragraph 2 f) GDPR, we inform data subjects that no automated decision-making processes with legal implications for the data subject take place (refer to Art. 22 GDPR, 'right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her').

The legal bases for the delivery of the full-text publication and the metadata to the German National Library (DNB) and to the Carl von Ossietzky State and University Library Hamburg (SUB Hamburg) are, for the DNB, Art. 6 paragraph 1 s. 1 c) GDPR alongside Section 14 (mandatory deposit), Section 15 (those required to make mandatory deposits) of the Law Regarding the German National Library (DNBG), and, for the SUB Hamburg, Art. 6 paragraph 1 s. 1 c) GDPR alongside Section 1 (mandatory deposit) PEG (*Pflichtexemplargesetz*).

## 5. Recipients, or categories of recipients, of personal data

The technical operation (server, data storage) of the repository for research information, publications and research data takes place at Hamburg University of Technology (TU Hamburg). Administration, specialist support and requirements management are handled by HAW Hamburg.

Metadata on academic publications are made available to the public via websites, data interfaces, and as complete downloads in various machine-readable data formats. This means, among other things, that the integrated sitemap functionality ensures correct indexing for web crawlers used by search engines (such as Google), and that publication of the work includes the transfer of personal data to third parties and their provision via interfaces:

- OAI (Open Archives Initiative) Protocol for Metadata Harvesting: The open, internationally accessible interface OAI Protocol for Metadata Harvesting, a standard component of bibliographic work, enables the harvesting of research information, research data, publications and their metadata, that are freely available in the internet, by a diverse range of international platforms, such as the Bielefeld Academic Search Engine (BASE), OpenAIRE, etc.
  - OAI/German National Library: The German National Library uses/harvests the open OAI interface,
  - which means that HAW Hamburg fulfils its reporting duties for the purpose of archiving and cataloguing in the German National Bibliography (see also Section 14 (mandatory deposit) DNBG and Section 15 (those required to make mandatory deposits) DNBG) for all data sets based on a data file, such as a PDF of the publication concerned.
- The Carl von Ossietzky State and University Library Hamburg harvests all digital publications that it considers to be of public interest (see also the legislation requiring mandatory deposit of publications with the SUB Hamburg, the *Gesetz über die Ablieferung von Pflichtexemplaren* (*Pflichtexemplargesetz* - PEG)).

## **6. Duration of storage of personal data**

As a general principle, deletion of data takes place as soon as the data are no longer required for the purpose for which they were collected.

HAW Hamburg needs data, some of which are personal data, to conclude agreements on publication of work in the repository. If the data required are not supplied, the work cannot be stored and published in the HAW Hamburg repository.

### **Duration of storage of data relating to accounts and profiles of individuals and to further technical aspects of the system**

#### *EPerson/user accounts*

When an individual leaves HAW Hamburg, their user account is deactivated immediately by the identity management system (IDM) and can no longer be used in the system. The individual can no longer log in. Permanent deletion of the account takes place 12 months at the latest after the individual has left HAW Hamburg. An individual can request their account remain active, provided they do so shortly before leaving HAW Hamburg, via the redirection of their profile to an external account. The profile and the data linked to it will then remain in the system. As a rule, accounts with data linked to them are only deleted upon request.

#### *Researcher profiles*

Individuals are deleted from the system when, three years after their leaving HAW Hamburg, there are no publications, research data or similar linked to them in the system. Duplicate profiles are merged into a single profile, and the redundant profile is deleted. In all other cases, the profile remains in the system; as a rule, accounts with data linked to them are only deleted upon request.

Profiles can be made private or public. Private profiles can be viewed and edited only by administrators and by the profile's owner. It is possible to set individual characteristics of a profile (e.g. the email address) at a privacy level that differs from that of the overall profile.

#### *Login data*

Where data are stored for the purpose of providing the website to the user, the data will be deleted when the session ends.

#### *Log files*

Where data are stored in log files, containing, among other data, the users' IP addresses, they will be deleted after 14 days. Log files stored for statistical purposes are anonymised.

### **Duration of data storage within collections (collections contain data sets that may include personal data such as first names and surnames of individuals/data subjects)**

When a deletion request is made, personal data with linked content and a persistent identifier are updated, that is, changed into unknown information so that the personal data no longer appear; due to the persistent identifiers, datasets are not deleted completely. HAW Hamburg's obligation to store information (metadata and full text on the publications and research data) arises from the public interest in archiving the work; the principles of good academic practice; and the academic research purpose of the research information system. The processing of the data took place on the basis of a corresponding publication contract that included the data protection statement to be provided to a data subject pursuant to GDPR.

If the data related to the degree thesis have been processed in line with Art. 6 paragraph 1 s. 1 a) GDPR, they will be withdrawn and what is known as a 'tombstone' placed on the landing page. This means that the thesis will only be accessible in REPOSIT to system administrators.

### **Long-term archiving**

HAW Hamburg's obligation to store information (metadata on the publications and research data and the data files underlying them) arises from the public interest in archiving the work; the principles of good academic practice; and the academic research purpose of the research information system.

*The German National Library (DNB) and the Carl von Ossietzky State and University Library Hamburg (SUB Hamburg)*

Pursuant to the Law Regarding the German National Library (DNBG), Section 14 (mandatory deposit) and Section 15 (those required to make mandatory deposits), and Section 1 (mandatory deposit) PEG (*Pflichtexemplargesetz*, the legislation requiring mandatory deposit of publications with the SUB Hamburg), the DNB and the SUB Hamburg archive data sets/metadata with their underlying data file(s) and record them in the German National Bibliography (catalogue) and the bibliography of the SUB Hamburg. This means that, even if data sets/metadata with underlying data file(s) are withdrawn from the HAW Hamburg system, the provision of this information to the DNB and the SUB Hamburg remains unaffected and, as a general rule, the publication will remain (publicly) accessible there.

## **7. Your rights under GDPR**

Users of our website have the following rights:

- The right to be informed about what data we hold on their person (Art. 15 GDPR)
- The right to the correction of inaccurate or incomplete personal data we hold concerning them (Art. 16 GDPR)
- The right to deletion of personal data we hold concerning them, unless the processing of those data is necessary for the exercise of the right to freedom of expression and freedom of information, for complying with a legal obligation, for public interest reasons, or for the assertion, exercise or defence of legal claims (Art. 17 GDPR)
- The right to restrict the processing of personal data (Art. 18 GDPR)
- The right to object to processing that serves our legitimate interest, the public interest, or profiling, unless we can demonstrate compelling grounds for processing that are worthy of protection and that outweigh your interests, rights and freedoms, or the processing of the data serves the assertion, exercise or defence of legal claims (Art. 21 GDPR); further, the right to withdraw, at any time, consent previously given to the collection, processing and use of your personal data, with effect for the future (from the point of withdrawal of consent) (Art. 7 paragraph 3 GDPR). This means that we no longer have permission to continue the processing of data which was based on this consent.
- The right to complain to a supervisory authority if you are of the view that the processing of personal data relating to you constitutes a breach of GDPR (Art. 77 GDPR).
- You can exercise your rights to object to the processing of data, to withdraw consent to data processing, and to have your personal data corrected by contacting the institution commissioned to manage data protection at HAW Hamburg:  
[office@datenschutz-nord.de](mailto:office@datenschutz-nord.de)