

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 within the processing of research information, research data, and the collection and use of personal data in the context of processing information on research, research data, and publications, along with the associated metadata.

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 in the REPOSIT/Kibana 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 use of HAW Hamburg's institutional repository (REPOSIT) and reporting tool (Kibana) in relation to the general publication of research and reductions in teaching load (LVS).

### **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, 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 (on the internet), making available, and archiving 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').

HAW Hamburg's duty to store this information and these data arises from the public interest in archiving the information and from HAW Hamburg's reporting duties (on matters such as research undertaken) to the City of Hamburg. Further purposes of the processing and publication of data are:

- the provision of unambiguous proof and acknowledgement of authorship
- the unambiguous identification, 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.
- engaging in collaboration with institutional research partners
- meeting formal stipulations as set out in the Statute for Safeguarding Good Academic Practice at Hamburg University of Applied Sciences (Section 12, 'Public access to research findings and the organ of their publication', Statute for Safeguarding Good Academic Practice at Hamburg University of Applied Sciences (HAW Hamburg)), which simultaneously means meeting the stipulations set by institutions research funders
- 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 any 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:**

In view of the requirement for research findings to be published, the legal basis for the processing of research data is Art. 6 paragraph 1 s. 1 c), paragraph 3 GDPR, alongside Sections 75,76 HmbHG (Hamburg Higher Education Act).

Where the full-text research publication is processed in REPOSIT, the legal basis for the processing is Art. 6 paragraph 1 s. 1 b) GDPR, that is, the publication contract concluded with the relevant researcher(s). Alongside this, authors/employees of HAW Hamburg can give their research output a Creative Commons licence, which enables the reuse and dissemination of the data.

The legal basis for Kibana, the tool used for analysis of REPOSIT, is Art. 6 paragraph 1 s. 1 e), paragraph 3 GDPR alongside Sections 76, 111 paragraph 6 HmbHG.

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 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.

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. Technical operation (server, data storage) and hosting of the analytics tool (Kibana) are managed by Effective Webwork GmbH (EWW). Administration and specialist support remain in the hands of 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 research 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)*).
- Where individuals/users of the systems choose to have a (permanent) digital object identifier (DOI registration), data, including personal data, are actively transferred to DataCite, the International Data Citation Initiative e.V., based at the TIB – Leibniz-Information Centre for Science and Technology and University Library (Hannover). The data are transferred via the API of the DOI registration agency. This takes place on a contractual basis. The metadata are converted, manually or automatically, to the format required by the registration agency and transferred to the API. Changes in the metadata are also transferred to the agency.

## 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. Data that are withdrawn or deleted from REPOSIT are also removed in Kibana; account data are not included in this, because the accounts are managed separately from one another.

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**

#### *Log files*

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

#### *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.

#### *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. Where the individual was a member of HAW Hamburg staff and returns to work at HAW Hamburg within a year of leaving, the account can be reactivated; if this is not the case, the account is permanently deleted 12 months after the individual left. User accounts belonging to non-permanent teaching staff (*Lehrbeauftragte*) are deactivated six weeks after the end of the class or course given (*Lehrauftrag*) and deleted one year after the end of the class or course given. 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.

#### *Local accounts (Kibana)*

These accounts are deactivated as soon as the individual concerned leaves HAW Hamburg and can no longer be used in the system. The individual can no longer log in. Where the individual was a member of HAW Hamburg staff and returns to work at HAW Hamburg within a year of leaving, the account can be reactivated; if this is not the case, the account is permanently deleted 12 months after the individual left.

#### **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 about research (metadata and full text of the publications and research data) arises from the public interest in archiving the research, the principles of good academic practice, and the academic research purpose of the research information system.

#### *Research information (events, projects, etc.)*

Personal data with linked content (without a persistent identifier) are deleted upon request. This means that the data remain in the system unless their deletion is requested. Duplicates are merged into a single data set, and the redundant data set is deleted.

#### *Publications without full text (Publikationen ohne Volltext) and research data (metadata only) (Forschungsdaten)*

Personal data with linked content are removed on request. Duplicates are merged into a single data set, and the redundant data set is deleted. The data remain in the system unless their deletion is requested.

#### *Publications with full text (Publikationen mit Volltext)*

Persistent identifiers can be deleted in draft state; at this stage, they exist only in the agency's system. Once persistent identifiers have been registered and indexed, they can no longer be deleted. The metadata (descriptive information on a publication, research data, etc.) linked with the persistent identifier can be edited. Should it occur that an author wishes to remove their authorship (or similar) from public memory, a placeholder will be required (see also [Metadata Schema Appendix 3: Standard values for unknown information](#)).

This means that, when a deletion request is made, personal data with linked content and persistent identifiers 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. See above on HAW Hamburg's legal obligation to store information on research.

#### *Research data with data sets (Forschungsdaten)*

When a deletion request is made, personal data with linked content and persistent identifiers 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 (see also above). The input form for research data allows users to direct the deletion of the attached full text/data files after ten years; the metadata (descriptive information on the raw data), however, remain. See above on HAW Hamburg's legal obligation to store information on research.

### **Long-term archiving**

*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 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.

*DataCite - International Data Citation Initiative e.V., based at the TIB – Leibniz Information Centre for Science and Technology and University Library (Hannover)*

DataCite, the International Data Citation Initiative e.V., based at the TIB – Leibniz-Information Centre for Science and Technology and University Library (Hannover), stores data sets with their underlying data file(s) and permanent publication and research data identifiers (DOI) for long-term archiving, but only the metadata sets (the descriptive information) and not the actual data files as well. Some institutions, including public institutions, may pursue exit strategies for their repositories; where this is the case, it is necessary to preserve, at a minimum, the publication's descriptive information for availability in the future. Unlike in the German National Bibliography, the policy here is that persistent identifiers can be deleted in draft state and exist, at this stage, only in the agency's system. Once persistent identifiers are registered and indexed, they can no longer be deleted. The metadata (descriptive information on a publication, research data, etc.) linked with the persistent identifier can be edited. Should it occur that an author wishes to remove their authorship (or similar) from public memory, a placeholder will be required (see also [https://schema.datacite.org/meta/kernel-4.1/doc/DataCite-MetadadataKernel\\_v4.1.pdf](https://schema.datacite.org/meta/kernel-4.1/doc/DataCite-MetadadataKernel_v4.1.pdf)).

When a deletion request is made, personal data with linked content and persistent identifiers (DOI) 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.

## **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.

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- 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).