

Mandatory Information according to Article 12 ff. GDPR, for employees and job applicants

Contact details of the controller

Company name:	S+P Samson GmbH
Name (authorized representative):	Karl Tochtermann- CEO
Address:	Industriestrasse 32, 86438 Kissing
Telephone:	+49 8233 846 - 0
Telefax:	+49 8233 846- 299
Email:	info@sp-samson.com

Contact details of the Data Protection Officer

Name:	Lutz Voswinkel
Company name:	Datev eG
Address:	Hansaallee 101, 40549 Düsseldorf
Email:	datenschutz@sp-samson.com

From which sources do we obtain your personal data?

Generally, the data we collect is provided by you. The processing of your personal data provided by you is necessary to fulfil the contractual and legal obligations of the employment contract you have concluded with us. In line with your duty to cooperate you are required to provide the personal data we have requested to enable us to fulfil our contractual and legal obligations. If you fail to provide your data, this may be disadvantageous for you, e.g., with regard to payment of wages, payment of social security contributions, etc.

The provision of your personal data is required for pre-contractual activities (e.g., during the application process). If you do not provide the requested data, the employment contract cannot be concluded.

For the execution of the employment contract, it may be necessary to process personal data we have received from other companies or other third parties, e.g., a social security provider, or similar, with permission, and for the respective purpose.

We may also process personal data from sources that are publicly accessible, e.g., websites, which we use legitimately and only for the contractual purpose concerned.

Purposes and legal bases of the processing

Your personal data you provide to us will be processed in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG):

To establish, implement, and terminate the employment (according to Article 26 (1)(1) BDSG)

To establish the employment

When you send us an application, we will only use the information you have provided. In addition to the legal bases mentioned above we use the information to establish the employment according to Article 26 (1)(1) BDSG. This enables us to make a decision with regard to establishing the employment according to Article 26 (1)(1) BDSG.

During the application process, only those persons who are involved in the application process within our company will have access to your data.

If your application results in employment, your personal data will continue to be processed for the purpose of implementing the employment.

If your application does not lead to employment, your personal data will continue to be processed after the completion of the application procedure on the basis of legitimate interest, e.g., for asserting or defending claims for damages, and will be deleted after our legitimate interest ceases to apply and after the expiry of any statutory retention periods.

This usually applies three months after deselection, unless you have given us your consent to store your data for longer.

Implementation and termination of employment

Your data will be processed for the purpose of fulfilling the duties arising from the employment contract we have concluded with you. This includes the processing of your master data for the purposes of personnel management (e.g. holiday and absence management, claims for travel expenses, if applicable, etc.) or the processing of your bank details for the purposes of payroll accounting.

We will process information about your employment, qualification, career to date and any current secondary employment to ascertain whether these are compatible with the employment. Your data that is relevant with regard to tax and social security legislation will be used for the purposes of tax and social security accounting.

We will not request a criminal record check or credit rating.

When a minimum of 6 months has passed since the start of your employment, we may ask you whether the status as a severely disabled person applies to you, to protect any rights you may have under social legislation and to calculate any statutory levy, if applicable. Before this point the provision of details is voluntary.

For the detection of criminal offences (according to Article 26 (1) (2) BDSG)

Your personal data may be processed to detect criminal offences if there are actual grounds for suspecting that you have committed a criminal offence during your employment, and these are to be documented; if the processing is necessary for detection and this is not outweighed by your legitimate interest to exclude the processing, in particular, if the nature and extent are not disproportionate to the cause.

On the basis of consent (according to Article 26 BDSG)

The purposes of processing personal data result from your consent. You may withdraw your consent at any time with future effect. If consent was granted before the GDPR took effect (25 May 2018), it can also be withdrawn. Any processing that took place before consent was withdrawn remains unaffected by the withdrawal. For example: publication of your image on our website.

Who receives the personal data you provide to us?

Within our company, only those departments which require access to the personal data you provided to fulfil legal obligations and obligations arising from the employment contract, and which are authorised to process this data, will have access to your data.

To fulfil the employment contract we have concluded with you, only bodies which require this data for legal or contractual reasons will receive the data you have provided to us, for instance your bank, social insurance agencies, health insurance companies.

In order to fulfil our contractual and legal obligations or to defend or assert claims, only competent third parties who are subject to special statutory confidentiality obligations, such as accountants or lawyers, will be consulted in the course of personnel management.

Any other recipients will only receive the data you have provided to us at your request, if you give us the necessary written consent.

Within the scope of our performance we use contractors who contribute to the fulfilment of contractual obligations, e.g., data center service providers; EDP partners; companies that shred documents, etc. These data processors are contractually bound by us to comply with the requirements of the GDPR and the BDSG.

Will the data you provide to us be transferred to any third countries or international organizations?

Data that you provide to us will never be transferred to a third country or an international organization. If, in individual cases, you wish the data you have provided to us to be transferred to a third country or an international organization, we will only do so with your written consent.

Does automated decision making, including profiling, take place?

Mandatory Information according to Article 12 ff. GDPR, for employees and job applicants

No fully automated decision making (including profiling) according to Article 22 GDPR is used for the processing of the data you have provided to us.

Duration of processing (criteria for deletion)

Your data will be processed for as long as it is necessary to achieve the agreed purpose of the employment contract, generally, for the duration of the employment. After the end of the contractual relationship, your data will be stored to comply with statutory retention periods or on the basis of our legitimate interest. When the statutory retention period has expired, your data will be deleted.

Expected periods of statutory retention obligations and our legitimate interests are:

- Fulfilment of retention periods required by commercial, tax, and professional law: the periods for retention and documentation specified therein range from two to ten years.
- Preservation of evidence under the statute of limitations: According to sections 195 ff. of the German Civil Code (BGB), the limitation period can be up to 30 years, whereas the normal limitation period is three years.

Supplementary data protection information when using our video conferencing system or telephone conference via a video conferencing system

We use the tool **Microsoft TEAMS** as our video conferencing system. For more information on the data processing by the provider of the video conferencing system please refer to <https://privacy.microsoft.com/en-us/privacystatement>.

Processing of your personal data in the context of the use of our video conferencing system

When you use our video conferencing system, the data you provide before or during the participation in an "online meeting" is processed:

- **User details:** username, display name, email address (optional information), profile picture, information (optional information), preferred language, etc.
- **Meeting metadata:** Meeting ID, participants' IP addresses, service data for the respective session and use of the system (data from devices/hardware used), phone numbers (if dialling in with phone), location, name of the meeting and any password provided by organiser.
- **Chat, audio and video data:** To enable audio and video transmission, the application requires access to your microphone or video camera. You can mute or unmute these yourself at any time via the respective application. Any text entries you make in the chat are also processed, e.g. for recording the results of an online meeting.
- **For recordings (optional, and/or only with consent):** An MP4 file of all video, audio and presentation recordings, a text file of the online meeting chat. If "online meetings" are to be recorded, we will inform you in advance in a transparent manner, and - if necessary - ask for your consent. Your consent is voluntary. You can withdraw this at any time with future effect. After you have withdrawn your consent, recording will be stopped.

In order to participate in an "online meeting" or to enter the "meeting room", you must **provide information about your name (or pseudonym) as a minimum requirement**.

Purposes and legal bases of processing in the context of the use of our video conferencing system

The purposes and legal bases for data processing when conducting "online meetings" are:

- **Article 6 (1) (f) GDPR** – we have a legitimate interest in the effective implementation of "online meetings",
- **Article 6 (1)(b) GDPR, if applicable in conjunction with Article 11 StBerG** - the meetings are held within the context of contractual relationships or for conducting pre-contractual activities.
- **Article 26 (1)(1) BDSG** – if any personal data of employees is processed, processing is for the purposes of establishing, implementing and terminating the employment,

- **Art. 6 (1)(a) GDPR and Article 26 (2) BDSG (for employees), if applicable** – your participation in “Online meetings” may be due to you giving your consent. If consent has been given you can withdraw it at any time with future effect.

Will the data you provide be transmitted to any third countries or international organisations?

Your personal data will be transmitted to a third country or an international organisation if:

- Any participants of the “online meeting” are located in a country outside of the scope of the GDPR (referred to as third country). In this case, the data will be routed via Internet servers which are located outside of the EU. The data is encrypted during transmission via the Internet and is therefore protected against any unauthorised access by third parties.
- The video conferencing system of a provider is used whose registered office is in a third country. Appropriate data protection is ensured by the standard contractual clauses of the EU, an adequacy decision by the EU Commission or corresponding guarantees of the video conferencing provider. Details will be made available to participants with reasonable advance notice before the start of the video conference.

Information and access to personal data

- Right of **access** according to Article 15 GDPR:
Upon request, you have the right to receive information free of charge as to whether and what data concerning you is stored and for what purpose it is stored.
- Right to **rectification** according to Article 16 GDPR:
You have the right to request from the controller/Data protection officer the rectification of your incorrect personal data without any undue delay. Taking into account the purposes of the processing, you have the right to request the completion of incomplete personal data – including by means of a supplementary declaration.
- Right to **erasure ("Right to be forgotten")** according to Article 17 GDPR:
You have the right to request from the Data protection officer that your data is erased without undue delay. The controller is obliged to erase personal data without undue delay, if one of the following reasons applies:
 - a) The purposes for which the personal data was collected no longer apply
 - b) You withdraw your consent to the processing and there is no other legal basis for the processing.
 - c) You object to the processing and there is no other legal basis for the processing.
 - d) The personal data has been processed unlawfully.
 - e) The erasure of the personal data is necessary to fulfil a legal obligation under EU law or the law of the Member States to which the controller/Data protection officer is subject.
 - f) The personal data has been collected in relation to information society services provided in accordance with Article 8 (1).
- Right to **restriction of processing** according to Article 18 GDPR and Article 35 BDSG:
You have the right to request a restriction of the processing where one of the following applies:
 - a) You contest the accuracy of the personal data.
 - b) The processing is unlawful, but you oppose the erasure.
 - c) The personal data is no longer required for the purposes of processing; however, you still need the data to establish, exercise, or defend legal claims.
 - d) You have objected to processing according to Article 21 (1) GDPR. Pending the verification whether the legitimate grounds of the controller override those of the data subject, processing will be restricted.
- Right to **data portability** according to Article 20 GDPR:
You have the right to receive the personal data concerning you and which you provided from the controller in a structured, commonly used and machine-readable format. You have the right to transmit this data to another controller without hindrance by us.
- Right to **object** according to Article 21 GDPR:
If you would like to object please contact the controller/Data protection officer (see above).
- Right to **lodge a complaint** with a supervisory authority according to Article 77 GDPR in conjunction with Article 19 BDSG:

Mandatory Information according to Article 12 ff. GDPR, for employees and job applicants

If you believe that the processing of your data violates the GDPR, you have the right to lodge a complaint with the supervisory authority. Please contact the competent supervisory authority

- **Withdrawal of consent** according to Article 26 (2) 2 BDSG:
If the processing is based on your consent according to Article 26 (2) BDSG, you have the right to **withdraw** the **consent** that was given for a particular purpose at any time without prejudice to the legality of the processing which has taken place on the basis of the consent until it was withdrawn.