

Information about How to Handle Your Data as an Applicant

A requirement under the General Data Protection Regulation.

1. Introduction

The following points are intended to provide you with information about your data. The legislature has determined which information is required for this purpose.

If you want to know more, you can read the General Data Protection Regulation Articles 12-22 and 34. The text of the General Data Protection Regulation is available online at <https://gdpr-info.eu>. If you have additional questions about the General Data Protection Regulation, you can contact the Data Protection Officer and/or the administration at any time.

2. What are Personal Data?

Any information that that relates to a specific or identifiable person. A person is identifiable if they can be identified directly or indirectly. This can be done, for example, through reference to an identifier such as a name, to an identification number, to location data, to an online identifier or to one or more special features.

3. Basic Information

3.1 Who is Responsible for Processing My Data?

The responsible party for data processing is
b+m surface systems GmbH
Meininger Weg 10, 36132 Eiterfeld, Germany

Authorized Managing Director: Sebastian Merz
Registry court and registration number: Fulda district court, HRB 3358

3.2 How Can I Contact You?

E-Mail: info@bm-systems.com
Tel.: +49 6672 92920

3.3 Which Authority is Responsible for Monitoring and Enforcement of Data Protection Law?

Responsible data protection supervisory authority:
The Hessian Commissioner for Data Protection and Freedom of Information
Postfach 3163
65021 Wiesbaden

Tel.: +49 611 1408 - 0
Fax: +49 611 1408 - 611
Website: <https://datenschutz.hessen.de/>

3.4 How Can I Contact the Data Protection Officer of the Company?

The data protection officer can be reached at:

Herr Thorsten Bock
TOSIT GmbH
Ludwig-Erhard-Straße 2
36088 Hünfeld

Tel.: 06652-9697-6100
E-Mail: dsb@tosit.eu
Website: www.tosit.eu

4. Other Important Information

4.1 Data Collection in the Application Process (Why?)

Before you decide to work for us and we hire you, we would like to get to know each other. In the first step, we regularly use the information and documents that you send to us in writing or in text form. The next step is to get to know one another personally, so we learn more about each other. The purpose of this data collection is to make an informed decision for a long-term cooperation.

4.2 Why Are We Allowed to Do This?

The data protection law allows (according to § 26 para. 1 S. 1 BDSG n.F. in conjunction with article 88 para. 1 GDPR) collection of data that are necessary for establishing the employment relationship. If you voluntarily inform us of things beyond what is necessary, data protection law allows us to process this within the context of consent (in accordance with Article 6 para. 1 S. 1 lit. a GDPR). The legal basis for collecting the necessary information mentioned above is § 26 para. 1 S. 1 BDSG n.F. in conjunction with Article 88 para. 1 GDPR.

4.3 Who Can Access My Data?

In the context of processing, your data may be transmitted to:

- People within our company who are directly involved in data processing (*e.g. human resources department*)
- Service providers that are contractually bound and are required to maintain confidentiality and perform partial data processing tasks,
- External companies, if necessary. Examples include the postal service for delivering letters.

4.4 Will You Transfer Data about Me to Countries Outside the European Union?

We do not intend to do this. An exception to this would only be plausible, if you were to do this yourself, e.g. if you give us a bank account from a bank outside the European Union to which we should transfer money. The legal basis for this is Article 6 para. 1 lit. b GDPR, § 24 BDSG n.F., Article 49 para. 1 lit. b GDPR.

4.5 How Long Will You Store My Data?

We store your data for the time needed to achieve the purposes outlined in 4.1 above. The documents in paper form will be returned or the digital documents will be deleted no later than six months after the decision. This deadline is calculated as protection against the claim by the General Equal Treatment Act (AGG). However, there may be legal requirements (e.g. the Tax Code § 147), that force us to keep certain documents for six to ten years. After expiration of the retention period, we delete unnecessary data.

4.6 Do I Have to Provide My Data?

In order to achieve the reasons described in point 4.1, it is necessary for you to provide us with your personal data.

This is absolutely necessary to enter into a contract with you. If you do not provide your data, we cannot enter into a contract with you.

If you have a complaint, you can contact the responsible supervisory authority at any time. The supervisory authority mentioned in point 3.3 is responsible for our company. You have the right to have this judicially examined, according to Article 78 GDPR, against a supervisory authority and, according to Article 79 GDPR, against our company.

4.7 Automated Decision-Making/Profiling

We do not use automatic decision-making/profiling.

5. What Are My Rights?

5.1 Information about Your Rights

As the person affected by data processing, you have, among others, the following rights under the General Data Protection Regulation (hereafter referred to as “rights of the person affected”):

5.2 Disclosure Rights (according to Article 15 GDPR)

You have the right to request information about whether we process personal data about you or not. When we process personal data about you, you are entitled to find out

- why we processed your data (see also point 4.1);
- what type of data we process from you;
- what type of recipients receive or should receive data from you (see also point 4.3);
- how long we will save your data; if information of the retention period is not possible, we must inform you how the retention period will be determined (e.g. after expiration of legal retention periods) (see also point 4.5);
- that you have a right to correct and delete the data concerning you, including the right to limit processing and/or the ability to object (see also the following points 5.2, 5.3 and following);
- that you have a right to appeal to a supervisory authority;
- where your data were collected if we did not collect them directly from you;
- whether your data will be used for an automated decision and, if so, on what logic the decision is based and what impact and scope the automated decision may have on you;
- that if data about you are transmitted to a country outside the European Union, you are entitled to information about whether and, if so, under what guarantees is an adequate level of protection for the data recipient ensured;
- that you have the right to request a copy of your personal data. Data copies are always provided in electronic form. The first copy is free of charge, additional copies may require a reasonable fee. A copy can only be provided if the rights of others are not affected.

5.3 Right to Correct Data (according to Article 16 GDPR)

You have the right to ask us to correct your data if they are incorrect and/or incomplete. This right also includes the right to completion by supplementary statements or notices. A correction and/or addition must be made without undue delay.

5.4 Right to Deletion of Personal Data (according to Article 17 GDPR)

You have the right to request deletion of your personal data from us if

- the personal data are no longer necessary for the purposes for which they were collected and processed;
- data processing has been done on the basis of your consent and you have revoked your consent; however, this does not apply if there is another legal license for data processing;
- you have objected to data processing, of which legal authorization is within “legitimate interest” (according to Article 6 para. 1 lit. e or f); however, deletion may not take place if there are legitimate reasons for further processing;
- you have objected to data processing for direct marketing purposes;
- your personal data has been processed unlawfully;
- it concerns a child’s data, which were collected for services of the informed society (=electronic services) on the basis of consent (according to Art. 8 para. 1 GDPR).

You do not have the right to delete your personal data if

- the right to freedom of expression and information conflicts with the request for deletion;
- the processing of personal data is required
 - to fulfill a legal obligation (e.g. statutory retention requirements),
 - to perform public duties and interests under applicable law (including “public health”),
 - or for archiving and/or research purposes;
- the personal data are required to assert, exercise, or defend legal claims.

Deletion must be carried out immediately (without undue delay). If personal data has been made public by us (e.g. on the internet), we must ensure, as far as is technically possible and reasonable, that other data processors are also informed about the deletion request, including the deletion of links, copies, and/or replications.

5.5 Right to Restrict Data Processing (according to Article 18 GDPR)

You have the right to have the processing of your personal data restricted in the following cases:

- if you have disputed the accuracy of your personal information, you may request that your data not be used elsewhere for the duration of verifying the accuracy, thereby limiting their processing.
- in the event of unlawful data processing, you may request the restriction of data usage instead of data deletion;
- if you need your personal data to assert, exercise, or defend legal claims, but we no longer need your personal data, you may ask us to restrict the processing for law enforcement purposes;
- if you have objected to data processing (according to Art. 21 para. 1 GDPR) (see also point 5.7) and it is not yet clear whether our interests in processing outweigh your interests, you can request that your data not be used for the duration of the audit for other purposes and thus their processing is limited.

Personal data, of which processing has been restricted by your request, subject to storage – may only be processed

- with your consent,
- to assert, exercise, or defend legal claims,
- to protect the rights of other natural or legal persons, or
- for reasons of important public interest.

You will be notified in advance if a processing restriction is lifted.

5.6 Right to Data Transferability (according to Article 20 GDPR)

You have the right to ask us for the data you have provided to us in a common electronic format (e.g. as a PDF or Excel document).

You may also ask us to transfer this information directly to another (specific) company, provided it is technically possible for us.

The prerequisite for having this right is that the processing takes place based on consent or in order to carry out a contract and is done by means of automated processes.

Exercising the right to data transferability cannot affect the rights and freedoms of others.

If you exercise the right to data transferability, you will continue to have the right to data deletion according to Article 17 GDPR.

5.7 Right to Object to Certain Data Processing (according to Article 21 GDPR)

If your data are processed for the purpose of performing public interest or legitimate interests, you may object to such processing. You must explain to us the reasons that arise from your particular situation for your objection. These can be e.g. particular family circumstances or legitimate confidentiality interests.

In the event of objection, we shall refrain from any further processing of your data for the stated purposes, unless

- there are compelling, legitimate grounds for processing that outweigh your interests, rights, and freedoms, or
- the processing is required to assert, exercise, or defend legal claims.

You may object to the use of your data for the purpose of direct advertising at any time; this also applies with profiling, as long as it is connected with direct advertising. In the event of objection, we may no longer use your data for direct marketing purposes.

5.8 Prohibition of Automated Decision Making/Profiling (according to Article 22 GDPR)

Decisions by us that have legal consequence or that significantly affect you may not be based solely on automated processing of personal data. This includes profiling. This prohibition does not apply so long as the automated decision

- is required to complete or fulfill a contract with you,
- is permitted by law, if such legislation contains reasonable measures to protect your rights and freedoms as well as your legitimate interests, or
- is done with your express consent.

Decisions that are based exclusively on automated processing of *special categories of personal data* (=sensitive data) are only permitted if they are based on

- your express consent, or
- a significant public interest in processing

and appropriate measures have been taken to protect your rights and freedoms and your legitimate interests.

5.9 Exercising the Rights of the Person Affected

To exercise rights of the person affected, please contact the office mentioned under point 3.2. Requests that are submitted electronically are usually answered electronically. The information, communications, and measures being made available according to the GDPR, including “the exercise of rights of the person affected,” are generally provided free of charge. Only in cases of obviously unfounded or excessive requests are we entitled to impose an appropriate fee for processing or to refrain from taking action (according to Article 12 para. 5 GDPR).

If we have reasonable doubts about your identity, we may request additional information from you for identification purposes. If identification is not possible for us, we are entitled to refuse to process your request. We will – if possible – notify you separately about any inability of identification (see Article 12 para. 6 and Article 11 GDPR).

Disclosure and information request are usually processed immediately, within one month of receipt of the request. The deadline may be extended by an additional two months, as long as this is necessary, taking into account the complexity and/or number of requests; in the event of an extension, we will inform you of the reasons for the delay within one month of receiving your request. If we do not respond to a request, we will immediately notify you of the reasons for doing so within one month of receipt of the request and inform you of the ability to appeal to a supervisory authority or to seek judicial remedy (see Article 12 para. 3 and para. 4 GDPR).

Please note that you may only exercise your rights in the context of restrictions and limitations imposed by the European Union or the member states (Article 23 GDPR).