

# Data Protection Policy for Applicants

Our handling of your data and your rights  
Information pursuant to Articles 13, 14 and 21 of the General Data Protection Regulation (GDPR)

Dear Applicant,

In the following, we would like to inform you about our processing of your personal data and the claims and rights to which you are entitled under regulations on data protection.

## I. Who is controller and who can I contact?

### The controlling body is:

Adina Germany Holding GmbH & Co. KG  
Leipziger Straße 124  
D-10117 Berlin, Germany  
Telefon: +49 30 863 298 450  
Fax: +49 30 863 298 599  
E-mail: bewerbung@adina.eu

### You can contact our company Data Protection Officer at:

Benedikt Schweinfurth  
HDRC HYA DATA RISK CONTROL UG (haftungsbeschränkt)  
Potsdamer Platz 11  
D-10785 Berlin, Germany  
Telefon: 030 88 060 914  
E-mail: benedikt.schweinfurth@hdrcontrol.de

## II. What sources and categories of data do we use?

We process personal data that we receive from you in the course of your application. This is the data that you make available to us by submitting the application documents and the details you provide us with in job interviews.

Additionally, should they exist, we visit applicants' profiles on professionally oriented social networks. We do not visit profiles in private social networks.

It is also possible that we receive data from recruiters to whom you have provided your application documents and who propose you to us as a candidate for a position. If references from previous employers are to be requested, this will be discussed separately with the applicant.

Name, address and other contact data, date of birth, educational and professional background, certificates etc. are, for example, relevant personal data.

## III. What do we process your data for (purpose of processing) and on which legal basis?

We process personal data in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (Bundesdatenschutzgesetz, BDSG); processing takes place only if it is permitted by law or if we have received your consent to data processing.

### 1. Processing of your data for the purposes of filling vacancies (Article 6 Paragraph 1 lit. b GDPR)

Data processing is carried out for the purpose of selecting personnel to fill vacant positions. These are pre-contractual measures that serve to initiate employment contracts.

### 2. Processing of your data on the basis of legitimate interests within the scope of balancing interests (Article 6 Para. 1 lit. f GDPR)

To protect the legitimate interests of us or third parties, we process your data, if necessary, beyond the initiation or the conclusion of the contract – for example in the following cases:

- ▶ **Background research into applicants for positions with special relevance to compliance:**  
we have a legitimate interest in researching whether an applicant for certain fields of activity may be shortlisted on the basis of his or her details.
- ▶ **Improving our application process and carrying out applicant satisfaction surveys:**  
we use findings from surveys or individual interviews on the subject of applicant satisfaction to determine any potential for improvement and to make the application process more effective. Where possible, we process your data in pseudonymised form, i.e., in such a way that you cannot directly be identified.
- ▶ **Defence against and assertion of legal claims:**  
furthermore, we store applicants' data for the purpose of being able to defend ourselves against any asserted claims which may arise, for example from the Federal Equal Treatment Act (AGG). If necessary, to defend ourselves in legal disputes or to assert legal claims, we disclose personal data to public authorities and courts.

### 3. Processing your personal data on the basis of your consent (Article 6 Para. 1 lit. a GDPR)

In accordance with Art. 6 Para. 1 lit. a GDPR, we also process your personal data if and to the extent that you have consented to data processing for specific purposes. The purposes for which data processing is carried out within the scope of this result from the respective consent. Consent that has been given may be revoked at any time. This also applies to the revocation of declarations of consent which were issued to us before the GDPR became valid, i.e. prior to 25 May 2018.

Please note that the revocation is only effective in the future. Any processing that took place before the revocation is not affected by this.

### 4. Processing of your personal data due to legal requirements (Article 6 Para. 1 lit. c GDPR)

We also process your personal data if we are legally obliged to do so. This includes, for example, providing feedback to the Federal Employment Agency (Agentur für Arbeit), as well as information to public offices, government authorities and courts, insofar as we are obliged to do so.

#### **IV. Who receives my data?**

We treat your application to us as well as your personal data confidentially. Only the departments and employees within our company who need your data to fulfil the above-mentioned purposes will have access to it. These are usually employees of the personnel department and the specialist department in which the position is to be filled, e.g. the manager of the team requiring the vacancy to be filled.

With regard to the transfer of data to recipients outside of our company, please note that we only disclose information on you if required to do so by law, if you have given your consent or if we are authorised to provide such information. Under these conditions, recipients of personal data may be, for example, public bodies and institutions (e.g. public authorities) if a legal or official obligation exists.

In addition, we work with service providers who support us. We only transfer your personal data to our service providers and cooperation partners if there is a legal basis to do so. In such cases, we refer to service providers in the following areas:

- ▶ HR consultants and recruiters
- ▶ Headhunters
- ▶ Service providers who check applicant qualifications

Other data recipients may be those bodies for which you have given us your consent for the transfer of data or to which we are authorised to transfer personal data on the basis of a weighing of interests.

#### **V. How long will my data be stored?**

If necessary, we process and store your personal data as long as it is necessary to fulfil the purposes of the processing and/or to comply with any legal storage obligations.

If you are not selected for the job for which you have applied, we will erase your data after six months starting on the date of the rejection.

If an employment contract is concluded between you and us, your application documents will be added to the personnel file and stored for at least the duration of the employment relationship and any subsequent storage obligations.

If and to the extent that you have given us your consent to process data for any specific purposes, such as to continue storing your data and to contact you to offer in the event of any further vacancies, the storage period for the processing will result from the purpose of the consent you have given us.

Finally, the storage period is also assessed according to the statutory limitation periods, which, for example, according to Sections 195 et seqq. of the German Civil Code (BGB) can generally amount to three years, but in certain cases also up to thirty years.

#### **VI. Is data transferred to a third country or to an international organisation?**

Data is only be transferred to third countries (countries outside the European Economic Area (EEA)) if this is necessary for the execution of your orders, is required by law or you have given us your consent. In such cases, data will only be accessed if there is either an adequacy decision by the EU Commission for the respective country, if we have agreed with the service providers on the standard contractual clauses provided by the EU Commission for these cases or if the respective company has established its own internal binding data protection regulations which have been recognised by the data protection supervisory authorities. If required by law, we will inform you separately of details.

#### **VII. What data protection rights do I have?**

Every data subject has

- ▶ the right of access pursuant to Article 15 GDPR,
- ▶ the right to rectification pursuant to Article 16 GDPR,
- ▶ the right to erasure pursuant to Article 17 GDPR,
- ▶ the right to restrict processing pursuant to Article 18 GDPR and
- ▶ the right to data portability pursuant to Article 20 GDPR.

According to Sections 34 and 35 BDSG, the restrictions apply to the right of access and the right to erasure.

In addition, you have the right to lodge a complaint with a data protection supervisory authority (Article 77 GDPR in conjunction with Section 19 GDPR).

You may revoke your consent to the processing of personal data at any time. This also applies to the revocation of declarations of consent which were issued to us before the GDPR became valid, i.e. prior to 25 May 2018. Please note that the revocation is only effective in the future. Any processing that took place before the revocation is not affected by this.

#### **VIII. Is there an obligation to provide data?**

An application to our company is voluntary. However, the disclosure of your personal data regarding your previous professional and/or educational background, your qualifications, your abilities and personal details as well as your contact data is necessary so that we can find out whether you as an applicant are suitable for the vacant position and we can make an appropriate personnel selection. Without the provision of this data by you as an applicant, no personnel selection can take place in the application procedure. As a result, failure to provide personal information means that you will not be considered as a candidate when filling the vacancy.

#### **IX. To what extent is automated decision-making in individual cases conducted?**

In principle, we do not use profile formation according to Article 22 GDPR. Should we use these procedures in individual cases, we will inform you separately, insofar as this is required by law.

#### **X. To what extent are my data used for profile formation (scoring)?**

In principle, we do not use profile formation according to Article 22 GDPR. Should we use this procedure in individual cases, we will inform you of this separately, insofar as this is required by law.

## Information on your right of objection according to the General Data Protection Regulation (GDPR)

1. For reasons arising from your particular situation, you have the right to object at any time to the processing of personal data concerning you; this is based on Article 6 Para. 1 lit. e GDPR (data processing in the public interest) and Article 6 Para.1 lit. f GDPR (data processing on the basis of a balance of interests). Within the meaning of Art. 4 Para. 4 GDPR, this also applies to profiling that we use for credit assessment or for advertising purposes.

If you object, we will no longer process your personal data unless we can prove compelling legitimate grounds for the processing which outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

2. Pursuant to Art. 21 Paras. 2 and 3 GDPR, you have the right to object - without restriction - to any type of processing for direct advertising purposes. If you object to the processing for direct advertising purposes, we will no longer process your personal data for these purposes.

**The objection does not have to follow any particular form and should be addressed to:**

Adina Germany Holding GmbH & Co. KG

Human Resources

Leipziger Straße 124

D-10117 Berlin, Germany

Telefon: +49 30 863 298 450

Fax: +49 30 863 298 599

E-mail: [bewerbung@adina.eu](mailto:bewerbung@adina.eu)