

## Data Protection Information for Applicants

pursuant to Articles 13 and 14 of the General Data Protection Regulation (GDPR)

as well as

Section 26 of the Federal Data Protection Act (BDSG)

Version: 08/2019

### Dear Applicant,

The General Data Protection Regulation came into effect in May 2018. This has brought with it new obligations to make information available to you. In compliance with these new legal regulations, we would like to inform you about the data processing activities that we perform.

### What data and data sources do we use?

We process the data that you have sent to us in connection with your application in order to consider your suitability for the position (or in some cases for other vacancies in our company) and to carry out the application procedure.

This personal data, in particular, includes:

- Personal details (e.g. name, address, contact details)
- Information about qualifications (e.g. education, professional experience, foreign language capabilities or in-service training)

### Why do we process your data (the purpose of processing), and on what legal basis?

The legal basis for processing our personal data within this application process is primarily Section 26 of the Federal Data Protection Act (BDSG). Pursuant to this, data processing is permissible if it is necessary for establishing an employment relationship.

If an employment relationship is established between you and us, we may further process the personal data that we have already received from you for the purposes of the employment relationship in accordance with Section 26 Para. 1 BDSG if this is necessary for the performance or termination of the employment relationship or for the exercise or fulfilment of the rights and obligations of the representation of interests of the employees as laid down by law or by a collective bargaining agreement, a works agreement or a service agreement (collective agreement).

It may be that we are not able to consider you immediately for a position but that we would like to keep your application on file so that we can contact you quickly if the need arises. Should this occur, we will ask you for your consent under Section 26 Para. 2 BDSG to keep your application on file in our applications pool for a specified period. If you give us such consent, you may informally withdraw it at any time.

Should your data be required once the application process is completed for purposes of legal recourse, it may be processed on the basis of Article 6 GDPR, in particular to safeguard legitimate interests pursuant to Art. 6 Para. 1 lit. f GDPR. Our interest then lies in the assertion or defense of claims, for example within the framework of the duty to provide evidence in proceedings under the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz - AGG).

## Who has access to my data?

After receipt of your application, your application data will be reviewed by the human resources department. Suitable applications may then be internally forwarded to the department heads responsible for the relevant vacancies. Any further processing will be subsequently decided upon. Within the company, only those persons who need access to your data for the application procedure have access to it.

## Is data sent to a third country or to an international organization?

Data is generally not transferred to countries outside the European Economic Area (so-called third countries). Nevertheless, data can be sent to third countries in individual cases, provided that:

- it is prescribed by law,
- you have consented to this, or
- this is based on our legitimate interest in data protection and no higher interests of the data subject that are worthy of protection preclude this.

Beyond this we do not send any personal data to third countries or to international organizations.

We do however use contractors for specific tasks who themselves normally use subcontractors that could have their headquarters, parent company or data centers in a third country. A transfer of data is permissible where the European Commission has decided that the third country in question ensures an adequate level of protection (Article 45 GDPR). If the Commission has made such a decision, we or our contractors may only transfer personal data to a third country where suitable guarantees exist (e.g. standard data protection clauses that have been approved by the EU Commission or the regulatory authority in a given proceedings) and enforceable rights and effective remedies are available.

An example of this is our use of Microsoft Office 365 as our communication system across the company. Although Microsoft also operates servers within the EU, the possibility cannot be ruled out that your data for this purpose could be transferred to a third country (e.g. the USA) and processed there.

Microsoft processes personal data under what is known as the EU-US Privacy Shield. We have additionally concluded an agreement with Microsoft on contract data processing in accordance with Article 28 GDPR using standard EU contract clauses to maintain an appropriate level of data protection. Should you require further information on this, please contact us using the contact information given below.

We have concluded corresponding contracts with all of our service providers and have also contractually agreed that guarantees for data protection must always exist with their contractual partners and that such data protection must comply with the European data protection level.

## Am I obliged to provide personal data?

Your provision of your personal data is not prescribed either by law or by contract, nor are you obliged to make that data available. However, the provision of this data is necessary for the conclusion of an employment contract with us. Without this information, we will not be able to enter into or carry out an employment relationship with you.

## Is there an automated decision-making process?

In accordance with Article 22 GDPR, we do not use fully automated automatic decision making processes to establish, implement or terminate the employment relationship. Should we use such a process in individual cases, we will notify you of this separately and inform you about your rights to the extent that this is prescribed by law.

## Does any profiling take place?

We do not process your data with the aim of automatically evaluating certain personal aspects.

## Storage period

We store your personal data for as long as it is needed for a decision to be made concerning your application. If a position is awarded to you as a result of the application process, your application data is passed to our HR management system.

Should we not be able to consider you for the immediate filling of a position and you agree to the further storage of your personal data, we will transfer your data to our applicant pool. Your data will be deleted upon completion of the agreed term (normally 24 months) or after you have revoked your consent.

If an employment relationship between you and us is not established, we may also continue to store data to the extent necessary to defend against possible legal claims. This is normally for a period of six months from the time of notification of refusal, or in the case of a pending legal proceedings, up until the final decision is issued.

## Deletion of data

All data collected by us is destroyed or deleted as soon as it is no longer required for the application process to be carried out and no employment relationship has been formed. If a legal dispute arises during the application process, the data necessary for the appropriate assertion of rights will be transmitted to legal representatives and courts. The data will generally be destroyed or deleted after the expiration of any time limits for filing a suit.

## Your rights

You have the right to information, rectification, erasure, restriction, data portability and objection in respect of the processing of your personal data. To exercise any of these rights, please contact us as the data controller:

Paul Köster GmbH  
Human Resources Department  
Kolpingstraße 1  
59964 Medebach, Germany  
Tel. +49 2982 9211-825  
E-mail: frank.schmiedeler@paul-koester.de

If you believe that the processing of your data is in breach of data protection law or that your rights under data protection law have been infringed in any other way, you may contact our data privacy officer.

**You can reach our data protection officer at**

Andreas Pohl i. H. Pohl Consulting Team GmbH  
Mengerinhäuser Str. 15  
34454 Bad Arolsen, Germany  
Tel. +49 5691 8900 501  
E-mail: [datenschutz@paul-koester.de](mailto:datenschutz@paul-koester.de)

The data protection officer has been appointed by the supervisory authority responsible for us:

State officer (Landesbeauftragter) for data protection and freedom of information in NRW  
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