

Data protection notices for applicants and employees of ep



as at April 2020

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Protection of your data is of utmost importance to us and is observed in all business processes. If and to the extent to which you provide us with personal data, these are processed in accordance with the provisions of the General Data Protection Regulation (GDPR) of the EU, which came into force on 25th May 2018, as well as the statutory data protection provisions of the Bundesdatenschutzgesetz (BDSG = Federal Data Protection Act / FDPA).

The following data protection notices provide you with a detailed overview of the processing of your personal data. Personal data refers to all information which refers to an identified or identifiable natural person. With these data protection notices, we inform you comprehensively of the type, scope and purpose of the collection of personal data and how these data are processed. In addition, you are informed of the rights you have in relation to the processing of your personal data.

1. Scope of validity of the data protection notices

1.1. Basic principle

These data protection notices apply to all **employees** of the responsible party and its **applicants** for an employment relationship with the responsible party and / or job placement by the responsible party for an employment relationship with third parties.

1.2. Additional application of special rules for special services

There are additional data protection notices with regard to certain services which supplement these data protection notices. This applies, for example, to the data protection notices for use of our website, which you can access and view on our website.

2. Contact details of the responsible party and of the Data Protection Officer

2.1. Those responsible

Those responsible pursuant to the General Data Protection Regulation (GDPR) and other national data protection laws of the member states as well as other data protection regulations are:

engineering people GmbH ep Stuttgart GmbH

Söflinger Straße 70	Rutesheimer Str. 24
89077 Ulm	70499 Stuttgart
Germany	Germany
Tel: +49 731 20790-0	Tel: +49 711 806093-0
E-mail: info@ep-group.de	

the companies referred to in the following as those responsible.

Websites: www.ep-group.de; www.ep-career.de; www.portal-ep.de

2.2. Data Protection Officer

Those responsible have appointed a Data Protection Officer. You can contact our Data Protection Officer as follows:

engineering people group
Data protection officer
Söflinger Straße 70
89077 Ulm
Germany
Tel: 0731/20790-0
E-mail: datenschutz@ep-group.de

3. General basic principles of data processing of those responsible

3.1. Basic principles with regard to the scope of processing of personal data

Those responsible share the basic principle of the GDPR and the Federal Data Protection Act (FDPA) that the collection and processing of personal data ("data") must be restricted as far as possible. For this reason, we only process personal data insofar as these are required for clearly defined purposes which are to be explained to you in the following (basic principles of data avoidance and data economy). In this case, data processing is only permitted if it can be supported by a sufficient legal basis or your consent (basic principle of legality).

3.2. General information on the legal bases for processing personal data

3.2.1. General legal bases

Processing of personal data is generally prohibited and only permitted in exceptional cases. Admissibility of data processing may solely result from the fact that processing of the data can be supported by a suitable legal basis. Finally, the following are considered as such:

- Insofar as we have obtained personal data of the person concerned for processing operations, Art. 6, para. 1, lit. a GDPR, serves as the legal basis.
- When processing personal data is required to fulfill a contract, the contractual party of which is the person concerned, Art. 6, para. 1, lit. a, GDPR serves as the legal basis. This also applies to processing operations required to implement pre-contractual measures.
- Insofar as processing is necessary for compliance with a legal obligation to which we are subject, Art. 6, para. 1, lit. c, GDPR serves as the legal basis.
- If vital interests of the person concerned or another natural person necessitate processing of personal data, Art. 6, para. 1, lit. d, GDPR serves as the legal basis.
- If processing is necessary for the performance of a task which is in the public interest or is carried out in the exercise of official authority which was transferred to us, Art. 6, para. 1, lit. e, GDPR forms the legal basis for processing.
- If processing is necessary to protect a legitimate interest of our company or of a third party and if the interests, basic rights and basic freedoms of the person concerned do not outweigh the first-mentioned interest, Art. 6, para. 1, lit. f., GDPR serves as the legal basis for processing.

3.2.2. Special legal bases for processing particular categories of personal data as per Art. 9 GDPR

Processing of personal data from which the racial and ethnic origin, political opinions, religious or ideological convictions or union membership emerge as well as processing of genetic data, biometric

data to clearly identify a natural person, health data or data on the sex life or the sexual orientation of a natural person is prohibited.

In exceptional cases, we may permit processing of these particular categories of personal data insofar as a suitable legal basis exists for this. The following are considered as such:

- Insofar as the person concerned has expressly consented to the processing of the special categories of particular data for one or more defined purposes, this is the legal basis of processing (Art. 9, para. 2, lit. a, GDPR). This does not apply if, according to EU law or the law of the member states, the prohibition of processing of the special categories of personal data cannot be lifted.
- In the event that the person concerned has obviously publicly disclosed the data, Art. 9, para. 2, lit. e, GDPR forms the legal basis for processing.
- If processing of the data is necessary to assert, exercise or defend legal claims, processing is permitted pursuant to Art. 9, para. 2, lit. f, GDPR.
- Processing of the data is permitted insofar as this protects the essence of the right to data protection on the basis of EU law or the law of a member state which is reasonably proportionate to the objective pursued and provides for appropriate and specific measures to protect the basic rights and interests of the person concerned, is necessary for reasons of a significant public interest, cf. Art. 9, para. 2, lit. g, GDPR.

3.2.3. Special legal basis for processing personal data in an employment relationship

Pursuant to Art. 88, para. 1, GDPR in conjunction with § 26 FDPA, various characteristics apply to the processing of personal data of employees for the purposes of the employment relationship. In particular, this includes characteristics pertaining to the legal bases of the processing of personal data for the purpose of the employment relationship pursuant to § 26, para. 1 to 4, FDPA.

3.3. Opposition and revocation of processing of personal data

If you have given permission for the processing of your data, you can revoke this at any time. Such a revocation influences the admissibility of processing of your personal data after you have informed us thereof.

Insofar as we base processing of your personal data on balancing of interests, you can object to processing. This is the case if, in particular, processing is not necessary to fulfill a contract with you, which is individually outlined by us in the following description of functions. When you raise such an objection, we ask you to present the reasons why we should not process your personal data as carried out by us. In the case of a legitimate objection, we examine the situation and will either cease or adjust processing of the data or demonstrate to you our compelling, legitimate grounds on the basis of which we continue to process them. You can of course object to the processing of your personal data for the purposes of advertising and data analysis at any time.

3.4. Data deletion and duration of storage

We delete or lock your personal data as soon as the purpose of storage no longer applies; in this context, locking means cancellation of all references of the data to your person (e.g. for statistical purposes). In addition, they may be stored if this was provided for by the European or national legislator in provisions, laws or other regulations to which we are subject. Locking or deletion of the data is also carried out if a period prescribed by the specified standards expires, unless it is necessary to continue to store the data for conclusion or fulfilment of a contract.

4. Processing of your personal data to conduct the business relationship and for a job placement

4.1. Description and scope of data processing

Insofar as you enter into an employment relationship with the responsible party and / or we are to provide job placement, personal data are collected and processed within the framework of the contractual relationship established with us or then existent. In particular, this comprises the following categories of personal data:

- master and private contact data: these include in particular title, first name, surname, addresses and postal addresses, telephone numbers, e-mail addresses, marital status and other data on the family circumstances, age and date of birth; nationality;
- insofar as authorised agents, representatives or contact partners are named: their master and private contact data as well as data on the type of representation and if necessary the degree of relationship;
- business contact data, in particular your business addresses created by the responsible party, business e-mail address and business telephone numbers;
- qualifications and skills, in particular data regarding school, degree and professional qualifications, additional qualifications, certificates, knowledge of languages, special skills;
- any data contained in the identity card, driving license or other data contained in legitimisation papers as well as authentication data;
- any data contained in a residence permit, data on previous employment, data on the course of the working relationship with us;
- if necessary data on the exercise of further dependent or independent activities and therefore if necessary data on contractual contents and contractual partners;
- if necessary data on shares in stock corporations;
- wage and remuneration data as well as any further data on income and financial circumstances, in particular data on further income and ancillary revenue, assets, pension (entitlements), debts and liabilities;
- bank details;
- tax details, in particular tax ID, tax number, certification in tax matters;
- social security data and trade association data;
- data from postal, electronic and telephone communication between you and the responsible party as well as between you and third parties;
- if necessary, health data;
- if necessary, other data connected with fulfilment of the employment relationship.

4.2. Where do the personal data come from

Generally, the responsible parties collect your personal data directly from you. In addition, in order to process the employment contract, it may be necessary to process personal data which we have received from third-party companies or other third parties, e.g. social security funds or similar, legitimately and for the individual purpose.

4.3. Purposes of data processing

4.3.1. Application and implementation of the employment relationship

Those responsible collect and process your data to process your application, i.e. in connection with contract initiation. Those responsible also collect and process your data to implement the contractual relationship. Collection and processing of your data is carried out in particular for the following purposes:

- to decide on the establishment of a working relationship with the responsible parties;
- to fulfill the contractual and legal main and secondary service obligations from the employment relationship;
- to deploy your contractually owed labour for the various fields of activity and consulting of the responsible parties in the case of personnel leasing for deployment at third-party companies (hirers);
- to fulfill the existing tax and social security obligations;
- for correspondence with you and if necessary your representative or agents.

Processing of personal data provided by you is necessary to fulfill contractual and legal obligations resulting from the employment contract with us. Due to your co-operation obligations, it is essential to provide the personal data requested by us as otherwise we cannot meet our contractual and legal obligations; disadvantages, for example, with pay, payment of social security contributions etc., cannot be excluded if the data are not provided.

4.3.2. Job placement and applicant pool

With your consent, we also process your personal data to the extent described in the following for purposes of job placement. To this end, we send all personal data which you have sent in connection with your application to us to our external partners.

Transmission in connection with job placement is carried out for the purpose of establishing an employment relationship between you and the third-party company, in particular insofar as no suitable workplace for you is available but your job application could be of interest to a third-party company. It is necessary in each case to transmit your personal data as the third-party company can only obtain an impression of your personal profile and your qualifications through forwarding of your data and only in this way can take a decision to establish an employment relationship with you (job placement).

In addition, our company intends to save your personal data also in the event of your successful application in our company in a pool for later job placement or employment with us. This is done for the purpose of also possibly employing you at a later date or - also during the existence of an employment relationship between you and us - to be able to place you with a third-party company; this in particular insofar as the third-party company justifies its interest to us in immediately establishing an employment relationship with you.

4.4. Legal bases of data processing

4.4.1. Processing based on your consent

In the event of job placement and addition to our applicant pool, your consent as per Art. 6, para. 1, sentence 1, lit. a in conjunction with Art. 9, para. 2, sentence 1, lit. a in conjunction with Art. 88, para. 1, GDPR in conjunction with § 26, para. 2 FDPA forms the basis for data processing.

4.4.2. Processing to fulfill contractual obligations

The legal basis for processing your data is Art. 6, para. 1, sentence 1, lit b. in conjunction with Art. 88, para. 1, GDPR in conjunction with § 26, para. 1, sentence 1, FDPA. Data processing is necessary to implement the employment relationship between you and the responsible parties and to fulfill the obligations resulting therefrom.

4.4.3. Collection and processing on the basis of legal regulations

When implementing the employment relationship, the responsible parties are subject to comprehensive public law regulations for example from tax law or social security law. The legal basis for the

processing of your data to comply with these public law regulations as well as, in particular, to send your data to the responsible public law offices is Art. 6, para. 1, sentence 1, lit. c, in conjunction with Art. 88, para. 1 GDPR, in particular in conjunction with § 26, para. 3, FDPA, insofar as it also pertains to processing of special categories of personal data.

4.4.4. Processing based on a legitimate interest

In addition, the responsible parties process your personal data insofar as this is necessary to protect the legitimate interests of the responsible parties or the legitimate interests of a third party (pursuant to Art. 4, clause 10, GDPR) and do not outweigh the interests or basic rights of the persons concerned (currently: yours), which require the protection of personal data (Art. 6, para. 1, sentence 1, lit. f, GDPR). Your data may be processed on the basis of a legitimate interest, for example so that the responsible parties can carry out internal controlling. Your data may also be processed so that the responsible parties can assert claims or defend themselves against claims or in the event of legal disputes. Also in this respect, the responsible parties assume that their interests outweigh your basic rights and freedoms which require protection of your data.

4.5. Duration of storage: possibility of objection and elimination

The responsible parties only process and store your data as long as the responsible parties require these to achieve the contractually agreed purpose, in particular to fulfill contractual or legal obligations from the employment relationship with you; this generally occurs as long as the employment relationship with you exists and the data provided by you must be retained to observe legal retention obligations. If a legal basis for processing your data no longer exists, the responsible parties will delete the data or, insofar as this is not possible, lock any reference to you in their systems according to data protection requirements.

In this respect, the responsible parties retain your data in accordance with the legal retention obligations, in particular as follows:

- The responsible parties store your data to the extent required to observe trade and / or fiscal retention obligations to which the responsible parties are subject. The time limits to fulfill trade or fiscal retention obligations are ten years in accordance with statutory regulations for all documents which are required for profit determination; six years for business letters (also e-mails). The legal basis for this is Art. 6, para. 1, sentence 1, lit. c, in conjunction with Art. 88, para. 1, GDPR in conjunction with § 26, para. 3, FDPA;
- In accordance with the regulations of the German Civil Code (Bürgerliches Gesetzbuch = BGB), statutes of limitation may be up to 30 years, whereby the regular statute of limitation is three years. Therefore, the responsible parties retain the contract documents as well as documents which are connected with the contract, according to these statutes of limitation regulations in order to be able to conduct any necessary (legal) disputes. The legal basis for this is Art. 6, para. 1, sentence 1, lit. f, GDPR.
- We also generally store your data in our applicants pool for a maximum period of four years or until you previously revoke your consent.

5. Processing of your personal data for communication with our contractual partners as well as internal and external company communication

5.1. Description and scope of data processing

In the context of the employment relationship with you, the responsible parties process certain personal data for communication with our (potential) contractual partners and for general internal and external company communication. This comprises in particular:

- image data (visual and video recordings), in particular when video interviews are carried out via Skype and Microsoft Teams;
- any isolated recording of telephone conversations carried out by you with candidates / customers;
- visual data, in particular for the production of visual and video recordings for company communication as well as at company festivities, social events etc., trade fair visits, team pages on the internet etc.;
- name data and business contact data;
- data concerning your qualifications, specialist areas and activities for the responsible parties;
- any further data which may serve internal and external company communication.

Your specified data may be published internally (on notice boards and / or in the intranet) and / or externally (on the websites of the responsible parties, in printed products for marketing, in social networks and / or to contractual partners and thus disclosed to the corresponding third parties.

5.2. Where do the personal data come from?

Generally, the responsible parties collect your personal data directly from you.

5.3. Purpose of data processing

Processing of your data serves on the one hand the purpose of offering our (potential) contractual partners a wide range of possible communication platforms with us; in particular, this also comprises the ability to conduct video interviews via Skype and Microsoft Teams, which can be held with a candidate instead of a personal job interview or a phone call. Your data processed in the context of a video interview via Skype or Microsoft Teams only serve these purposes and are not recorded by the responsible parties.

In addition, processing of the data serves the following purposes:

- insofar as the recording of telephone conversations is concerned, this only serves the purposes of analysis, later training purposes and thus continual improvement of our call quality; if we record telephone conversations, we only do so with your prior express consent.
- the public image of the responsible parties and information of our contractual partners and interested parties on contact partners and employees;
- improvement of the internal working atmosphere, employee retention, social cohesion and motivation of our employees.

Provision of your data is neither contractually nor prescribed by law or necessary.

5.4. Legal bases of data processing

The legal basis for processing your data is exclusively your express consent in each individual case pursuant to Art. 6, para. 1, sentence 1, lit. a, in conjunction with Art. 9, para. 2, lit. a, in conjunction with Art. 88, para. 1, GDPR in conjunction with § 26, para. 2, FDPA. You can give or not give your consent in individual cases specifically only for individual processing; you are not disadvantaged by not giving your consent.

5.5. Duration of storage; possibility of objection and elimination

The responsible parties only process and store your data as long as you have not revoked the basic consent for this. If there is no longer a legal basis for processing your data, the responsible parties will delete your data or make you unrecognisable in particular also on visual recordings to the extent that a reference to your person can no longer be established.

6. Forwarding of your data to third parties

If not otherwise already differently described above, the responsible parties do not forward any personal data to third-party companies, organisations or persons, except under one of the circumstances described in the following.

6.1. Forwarding of data for business activities of the responsible parties

The responsible parties will only forward your name and exclusively your business contact data set up by the responsible parties to contractual partners insofar as you should act as a contact partner for third parties. In the case of personnel leasing, we send our contractual partners (hirers) the surname, first name, address, nationality, if applicable information on a work permit, details of previous employment, knowledge and qualifications including proof. Your data are forwarded to implement your employment relationship. In this respect, the legal basis for this is Art. 6, para. 1, sentence 1, lit. b. in conjunction with Art. 88, para. 1 GDPR in conjunction with § 26, para. 1, sentence 1 FDPA; data processing is necessary to implement the employment relationship between you and the responsible parties and to fulfill the obligations resulting therefrom. In addition, the legal basis may be Art. 6, para. 1, sentence 1, lit. f, GDPR, whereby the responsible parties assume that the interests of the responsible parties in forwarding these mainly business data outweigh your basic rights and freedoms which require protection of your data.

In the case of job placement, we transmit your personal data specified under clause 4.3.2 to contractual partners, so that these can decide whether to employ you, if you have consented to this pursuant to Art. 6, para. 1 lit. a and where applicable GDPR Art. 9, para. 2, lit. a, GDPR.

6.2. Data forwarding for processing of the employment relationship

In so far as this is necessary pursuant to Art. 6, para. 1, sentence 1, lit. b, GDPR and / or Art. 6, para. 1, sentence 1, lit. c, in conjunction with Art. 88, para. 1, GDPR where applicable in connection with § 26, para. 3, FDPA for processing the employment relationship with you or the responsible parties are obliged to do so due to valid laws, regulations, legal proceedings or an enforceable administrative order or may assume in good faith that access to these data or their use, retention or forwarding is reasonably necessary, in particular to meet corresponding obligations, your personal data are forwarded to third parties. In particular, this includes forwarding to banks, tax and social security authorities, professional pension schemes, professional chambers and where applicable further public bodies. Forwarding of your data is in so far necessary in order to meet statutory and / or contractual obligations to which the responsible parties are subject.

6.3. Forwarding of data to internal and external third parties for company communication

The responsible parties provide your personal data to internal and external third parties for company communication. Internal third parties are, for example, other employees, external third parties are, for example, customers or visitors to our websites and appearances in social networks. The legal basis for this processing is exclusively your express consent in each individual case pursuant to Art. 6, para. 1, sentence 1, lit. a, in conjunction with Art. 9, para. 2, lit. a, in conjunction with Art. 88, para. 1, GDPR in conjunction with § 26, para. 2, FDPA.

6.4. Data forwarding by video interviews with Skype or meetings with Microsoft Teams

Insofar as you carry out a video interview with Skype or Microsoft Teams, your collected personal data (image and video data) are transmitted both to the provider of the software and the business partner(s). The responsible parties have no influence over the processing of your data by these third parties. More information on the data protection of Skype or Microsoft Teams is given in the data protection declaration of Skype or Microsoft Teams under the following links:

<https://privacy.microsoft.com/de-de/privacystatement/>
<https://docs.microsoft.com/de-de/microsoftteams/security-compliance-overview>

6.5. Data forwarding to order processors

The responsible parties supply your data to their business partners, other trustworthy companies or persons who process the data by order of the responsible parties. This is done on the basis of exact instructions on the part of the responsible parties and in line with this data protection declaration as well as other suitable confidentiality and security measures.

7. Forwarding of your data to third countries or international organisations

Unless expressly stated in the context of this data protection declaration, your personal data are not forwarded to third countries (countries outside of the EU or EEA) or international organisations.

8. Automated decision-making in individual cases including profiling

Fully automated decision-making (including profiling) pursuant to Art. 22, GDPR is not used to process the data submitted by you.

9. Access authorisation and other technical organisational measures

In general, only persons of the responsible parties have direct access to your data in whose area of responsibility the processing of these data lies, for example employees of the personnel department, recruiting or payroll accounting as well as those managers and shareholders who are concerned with personnel matters. Depending on the individual case, for example passed exams or clarification of individual questions from the employment relationship, other persons can also process data. However, there is also no immediate access in these cases; rather, only data required for a concrete purpose are made available.

In addition, your data are protected by the responsible parties against unauthorised access - in particular by third parties outside of the companies - with appropriate technical and organisational measures.

10. Your rights

If personal data of yours are processed, you are the affected person according to GDPR and you are entitled to the following rights against the responsible party. To assert your rights, you can consult the responsible parties named under 2.1.

10.1. Right of information

You have the right of information on the data stored by the responsible party, in particular for what purpose processing is carried out and for how long the data are stored (Art. 15 GDPR).

10.2. Right of rectification

You have a right of correction and / or completion against the responsible party insofar as the processed personal data concerning you are incorrect or incomplete. The responsible party must correct them without delay.

10.3. Right to limitation of processing

You have the right to demand a restriction of processing of your data. This right then exists for the duration of the verification if you have disputed the correctness of the data concerning you and in the case that, with an existing right to deletion, you request restricted processing instead of deletion. In addition, a restriction of the processing is carried out in cases where the data are no longer required for our purposes, but you require the data to assert, exercise or defend legal claims and if the successful assertion of an objection between the responsible party and you is disputed (Art. 18 GDPR).

10.4. Right to deletion

You have the right to request that the person responsible delete your personal data. These conditions specify that you can demand deletion of your data if, for example, the responsible party no longer needs the personal data for the purposes for which they were collected or processed in another way, the responsible party should process the data unlawfully or you have legitimately objected or you have revoked your consent or if a statutory obligation of deletion exists (Art. 17 GDPR).

10.5. Right to data portability

You have the right to receive the personal data concerning you which you have provided to the responsible party from him in a structured, conventional, machine-readable format (Art. 20 GDPR), insofar as they have not already been deleted.

10.6. Right of objection

You have the right, resulting from reasons relating to your particular situation, to object at any time to processing of your personal data, which occurs based on Art. 6, para. 1, sentence 1, lit. e or lit. f GDPR (Art. 21 GDPR). The person responsible will no longer process your personal data unless he can furnish proof of compelling legitimate grounds for processing which outweigh your interests, rights and freedoms, or if processing serves the establishment, exercise or defense of legal claims. If you object, for example, to use of your data for advertising purposes, the responsible party will not continue to process your data for these purposes.

10.7. Right of revocation of the declaration of consent under data protection laws

You have the right to revoke your declaration of consent under data protection laws at any time. By revoking the consent, the lawfulness of processing carried out on the basis of the consent up to the revocation is not affected.

10.8. Right not to be the subject of automated decision-finding in individual cases including profiling

You have the right not to be subject to a decision based exclusively on automated processing - including profiling - which has a legal effect on you or considerably affects you in a similar way. This does not apply if the decision

- (1) is necessary for the conclusion or fulfilment of a contract between you and the responsible party,
- (2) is permitted on grounds of legal regulations of the European Union or of the member states to which the responsible party is subject and these legal regulations contain appropriate measures to protect your rights and freedoms as well as your legitimate interests or
- (3) occurs with your express consent.

However, these decisions must not be based on special categories of personal data pursuant to Art. 9, para. 1 GDPR, insofar as Art. 9, para. 2, lit. a or g GDPR does not apply and appropriate measures

have been taken to protect rights and freedoms and your legitimate interests. With regard to the cases specified in (1) and (3), the responsible party takes appropriate measures to protect the rights and freedoms as well as your legitimate interests, which at least includes the right to effect intervention of a person on the part of the responsible party, stating your own point of view, and to contest the decision.

10.9. Right to complain to a supervisory authority

Irrespective of any other administrative or legal remedy, you have the right to complain to a supervisory authority, in particular in the member state of your place of residence, place of work or in the place of the alleged infringement if you are of the opinion that processing of your personal data contravenes GDPR. The supervisory authority to which the complaint was submitted informs the complainant of the status and results of the complaint including the possibility of a judicial review pursuant to Art. 78 GDPR.

As at April 2020

Received and noted:

Place, date	Name
	<hr/>
	Signature