



Data protection information pursuant to the EU General Data Protection Regulation for employees acc. Art. 12 et seq. GDPR

Contact details of the data controller

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These data protection notices acc. Art. 12 et seq. GDPR refer to the general processing of employee data in the employment relationship (personnel file, payroll accounting, etc.). In addition, there are further data protection notices pursuant to Art. 12 et. seq. GDPR for special data processing in the employment relationship, such as coronavirus tests or English courses with documented learning progress in online tools. These will be made available to you separately before the corresponding data processing.

Joint responsibility within the meaning of Art. 26 GDPR

With regard to processing within the framework of group-internal administration and division of labor by centralized systems, we are jointly responsible with the GETEC Group¹ and other group companies. The data processed by the individual parties is stored by G+E GETEC Holding from an IT point of view, since the IT department is directly part of G+E GETEC Holding. In addition to various data from third-party companies, the data also includes personal data from employees of the parties, contact details from contacts of other companies (customers, suppliers, etc.) or personal data from customers of the parties' customers. The personnel management of the individual parties is carried out by G+E GETEC Holding. The personnel of the individual parties is not organized by line per party, but according to segments of the G+E GETEC Holding. Accordingly, the personnel data (personnel administration, payroll accounting, etc.) are processed by G+E GETEC Holding.

¹The GETEC Group consists of the following companies: G+E GETEC Holding GmbH, GETEC heat & power GmbH, GETEC Wärme & Efficiency GmbH, GETEC Contracting GmbH, GETEC Energy Management GmbH, GETEC Customer Service GmbH, Bayernwärme GmbH, GETEC Wärme & Efficiency GmbH North, GETEC energy efficiency GmbH, G+P energy solutions Verwaltungs-GmbH, GETEC BBE GmbH, LEHNINER Fernwärme und Betriebs GmbH, Alber-Vater-Strasse Verwaltungs GmbH, GETEC Efficiency GmbH.

In an agreement with the GETEC Group on joint responsibility pursuant to Art. 26 GDPR (so-called joint controllership), we have defined how the respective tasks and responsibilities for the processing of personal data are designed and who fulfills which data protection obligations. In particular, we have determined how an appropriate level of security and your rights as a data subject can be ensured, how we can jointly fulfill the data protection information obligations and how we can monitor potential data protection incidents. This also means that we can ensure that our reporting and notification obligations are met.

The GETEC Group is available to you as a central contact for processing in joint responsibility. However, you can also assert your rights against us as the jointly responsible group company. If you contact us, we will coordinate with the GETEC Group pursuant to Art. 26 GDPR in order to answer your request and to guarantee your rights as a data subject.

What is personal data?

According to Art. 4 No. 1 GDPR, personal data is all information relating to an identified or identifiable natural person (hereinafter "data subject").

Data we need:

We collect master data from you that is necessary for the implementation of the employment relationship: **name, address, date of birth, gender, bank details, and nationality.**

We also collect and store **information about your employment** with us, your **qualifications** and your **previous career**. This includes, for example, information on the highest school diploma or vocational training and the information you have given us as part of the application process for new employees. Data about **current secondary employment** is relevant for us in order to be able to check the compatibility with your employment.

We also collect **data relevant to tax and social security law**. This includes, among other things, your tax identification number, tax class, any child allowances, marital status and information on your **denomination (only if relevant under tax law)**. We may also collect this and other data regulated by law in Section 39e of the Income Tax Act directly from the responsible tax authorities. We also collect information on taxable previous employment periods in the current calendar year so that the tax calculation can be adjusted accordingly. We also collect information about your health insurance and, if applicable, other employment-related supplementary insurance in order to be able to meet any payment obligations and reporting obligations.

As part of the calculation of social security contributions, we ask about your **parental status**. We need this information to determine whether, according to Section 55 para. 3 Social Code XI, whereby a contribution surcharge for long-term care insurance must be paid. If necessary, we ask you to prove the existing parental status by means of appropriate documents. In this case, we only make a note about the verification of parental status in your personnel file and return the documents or destroy them. We do not ask you to provide us with criminal records or credit reports or to take part in recruitment investigations.

If you are not of legal age when you are hired, we may ask you to submit a medical examination certificate. We are legally obliged to do this according to Section 32 of the Youth Employment Protection Act. In certain cases, we ask you to present a **work permit** or a **residence permit**. This is only done if it is necessary to check the legality of your employment.

As part of the employment relationship, we collect and process other personal data, including information about sick leave, absences (vacation, special leave, etc.) or working hours. If necessary, we also record your data as part of time management and resource planning. Here, too, the principle applies that this data collection and processing only takes place if it is necessary for the implementation of the employment relationship according to Section 26 BDSG (German data protection act) or legitimized by other legal provisions.

We keep a personnel file in which we store all key information required for the employment relationship. If you would like to see the contents of your personnel file, please contact the Human Resources department.

We also record your project working hours. You can find further information on this in the associated organizational information, which is available to you on the intranet.

Furthermore, we use an access control and time recording system to record your comings and goings in our company.

If you use a motor vehicle provided by us, we will have your driver's license presented to us regularly. Data is also collected for leasing and fleet management. You can find further information on this in the associated organizational information, which is available to you on the intranet.

If you use a business smartphone provided by us, data will be collected for the purpose of connections and billing. You can find further information on this in the associated organizational information, which is available to you on the intranet.



Internally, the employee's wage and salary slips are made available to the employee via the P&I LOGA accounting system and can be called up individually by the employee.

Fact check:

We may conduct a role-based review of your personal data upon hire to ensure that potential employees are performing their duties without conflict of interest and in compliance with high ethical standards and are committed to the principles of the company.

The verification of personal data may include your personal data (surname, first name, date of birth, address) and the original of your identity card or a comparable document proving your identity, the original of your certificates (in particular the most recent diploma from the highest level of education) or an officially certified paper copy thereof. In addition, it will be checked whether you have already been employed at GETEC. Furthermore, a comparison is made with publicly accessible EU sanctions lists pursuant to Regulations (EC) No. 2580/2001 and 881/2002 as well as the amendments issued and issued by the European Commission. You will only be asked to present your original residence permit, severely handicapped ID card or certificate of good conduct (reliability check) if necessary.

The fact check is carried out by the responsible human resources department. Only a limited group of people has internal access authorization to your data. In the event of conspicuous findings in the fact check, the results are discussed in a committee (department, HR department, and employee advisory panel, if applicable). The result of the consultation is documented and stored in the personnel file. No other data storage or processing takes place. The checklist for the fact check will be deleted after six months for external candidates who have not been hired, for all other cases 5 years after leaving.

The processing of your personal data for the purpose of establishing an employment relationship is required within the meaning of Section 26 Para. 1 sentence 1 BDSG, as we have a legitimate interest in hiring people who are of integrity and act pursuant to applicable law.

The provision of the data is necessary for the conclusion of a contract.

Additional information:

After you have been hired, we will also ask you whether you have a severe disability. This question is asked in order to be able to safeguard your corresponding rights under Social Code IX and to calculate any compensatory levy under Section 160 of Social Code IX. You only have to answer this question after six months of employment. Answering beforehand is voluntary.

If we ask you for photos as part of the recruitment process, this is done on the basis of a separate declaration of consent (Section 22 KunstUrhG (Arts and Copyright Law)), which is voluntary and which you can revoke at any time with effect for the future.

If you file a complaint under the General Equal Treatment Act (AGG), we collect and process the information we receive from you as part of the clarification of any discrimination under the AGG.

Where do we obtain your personal data from?

In principle, your data is collected from you. The processing of personal data provided by you is necessary for the fulfillment of contractual and legal obligations arising from the employment contract concluded with us. Due to your obligations to cooperate, it is unavoidable to provide the personal data requested by us, otherwise we will not be able to fulfill our contractual and legal obligations. Disadvantages for you, e.g. in the payment of wages, the payment of social security contributions, etc., can otherwise no longer be excluded.

The provision of your personal data is necessary as part of pre-contractual measures (e.g. in the application process). If you do not provide the requested data, an employment contract cannot be concluded.

In order to process the employment contract, it may be necessary to process personal data that we have received from other companies or other third parties, e.g. social insurance funds or similar, permissibly and for the respective purpose.

Purposes and legal bases of the processing

The personal data you provide will be processed pursuant to Provisions of the European General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG) processes:

a) For the establishment, implementation and termination of the employment relationship (according to Art. 6 para. 1 b) GDPR in conjunction with Section 26 Para. 1 sentence 1 BDSG)

The purposes of data processing result, on the one hand, from the initiation of pre-contractual measures that precede a contractually regulated employment relationship and, on the other hand, to fulfill the obligations arising from the employment contract concluded with you.

b) For the detection of criminal offenses (according to Section 26 para. 1 sentence 2)

Your personal data may be processed to uncover criminal offenses if documented factual indications give rise to the suspicion that you have committed a criminal offense in the employment relationship, the processing is necessary to uncover it and your legitimate interest in the exclusion of the processing does not outweigh it, in particular the type and extent are not disproportionate to the occasion.

c) Based on a consent (according to Art. 6 para. 1 a) GDPR in conjunction with Section 26 Para. 2 BDSG)

The purposes of processing personal data result from the granting of consent. Your consent may be revoked at any time with future effect. Consent that was given before the GDPR came into force (May 25, 2018) can also be revoked. Processing that took place before the revocation remains unaffected by the revocation. Example: publication of your picture on our website, Section 22 KunstUrhG.

d) To fulfill legal obligations (according to Art. 6 para. 1 c) GDPR)

We also process your personal data to comply with legal obligations to which we are subject. The obligations can arise, for example, from commercial, tax, money laundering or financial law. Measures in the area of health management and aptitude tests can also result from legal obligations. The purposes of the processing are dictated by the legal obligation in question; the processing usually serves the purpose of complying with government control and disclosure obligations.

The data processing takes place on the basis of Art. 6 para. 1 c) GDPR. In this respect, we process the personal data that is required to fulfill the legal obligation.

We anonymize or delete the data after the legal obligation no longer applies and when no other legal basis applies. If the latter applies, we will delete the data after the other legal basis no longer applies.

e) To protect a legitimate interest (according to Art. 6 para. 1 f) of the GDPR)

The necessity of processing personal data results from a legitimate interest of the person responsible that overrides the interest of the person concerned.

Some data processing takes place on the basis of collective agreements (group, general and company agreements as well as collective bargaining regulations) acc. Art. 6 para. 1 b) GDPR in conjunction with Art. 88 Para. 1 GDPR in connection with Section 26 para. 4 BDSG).

Who receives your personal data?

Internal recipients: Within our company, only those people have access who need it for the above-mentioned purposes (e.g. human resources department, management, if necessary works council, respective departments, project or process participants).

External recipients: We only pass on your personal data to external recipients outside our company if this is necessary for processing, if there is another legal permission or if we have your consent to do so.

External recipients can be:

a) Processors

External service providers who are used in the context of personnel administration, for example. These processors are carefully selected by us and regularly checked to ensure that your privacy is protected. The service providers may only use the data for the purposes specified by us.

b) Public authorities

Authorities and state institutions, such as public prosecutors, courts or financial authorities, to which we have to transmit personal data for legally compelling reasons. The transmission then takes place on the basis of Art. 6 para. 1 c) GDPR.

c) Group companies

Group companies to which data is transmitted in order to carry out personnel administration. The transmission then takes place on the basis of Art. 6 Paragraph 1 b) GDPR or on the basis of Art. 26 Para. 1 sentence 1 BDSG)

d) Other external bodies

Other external bodies, such as doctors or rescue services, to which data are transmitted to protect vital interests of you or another natural person. The transmission then takes place on the basis of Art. 6 para. 1 d) DS-GVO).

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

The data you have provided is transferred to a third country or an international organization as part of task management in Jira, which we have booked as an online solution in the cloud with Atlassian. In addition, the data you provide will be transmitted to a third country as part of the 3rd level support of the online solution for applicant management Umantis/Haufe. If we use third-party service providers, they will be required to comply with data protection standards in Europe with written instructions and contractual clauses standard for the EU.

Does automated decision making, including profiling, take place?

No fully automated decision-making (including profiling) pursuant to Art. 22 GDPR is used.

Duration of processing (criteria for deletion)

The processing of the data provided by you takes place for as long as it is necessary to achieve the purpose agreed in the employment contract, in principle for as long as the employment relationship with you exists. After the end of the employment relationship, the data you have provided will be stored to comply with statutory retention requirements.

After the statutory retention periods have expired, the data you have provided will be deleted.

Estimated periods of storage obligations that apply to us:

- Compliance with commercial and tax retention periods. The period for storage and documentation specified in these regulations can range from two to ten years.

Information about your rights

- Right to **information** acc. Art. 15 GDPR:
Upon request, you have the right to receive information free of charge as to whether and what data about you is stored and for what purpose it is stored.
- Right to **correction** acc. Art. 16 GDPR:
You have the right to request the person responsible to correct your incorrect personal data without delay. Taking into account the purposes of the processing, you have the right to request the completion of incomplete personal data - also by means of a supplementary declaration.
- Right to **erasure ("right to be forgotten")** acc. Art. 17 GDPR:
You have the right to demand that the person responsible delete your data immediately. The data controller is obliged to delete personal data immediately if one of the following reasons applies:
 - a) Purposes for which the personal data was collected no longer apply.
 - b) You withdraw your consent for processing. There is no other legal basis for the processing.
 - c) You object to the processing. There is no other legal basis for the processing.
 - d) The personal data has been processed unlawfully.
 - e) The deletion of the personal data is necessary for compliance with a legal obligation under Union or Member State law to which the controller is subject.
 - f) The personal data have been collected in relation to information society services provided pursuant to Art. 8 (1).
- Right to **restriction of processing** according to Art. 18 GDPR and Section 35 BDSG:
You have the right to request a limitation of the processing if one of the following conditions is met:
 - a) You doubt the accuracy of the personal data.
 - b) The processing is unlawful, but you refuse to delete it.
 - c) Personal data is no longer required for the purposes of processing; however, you will need the data to assert, exercise or defend legal claims.

- d) You have objected to the processing according to Art. 21 para. 1 GDPR. As long as it is not certain whether the legitimate reasons of the person responsible outweigh you, the processing will be restricted.
- Right to **data portability** according to Art. 20 GDPR:
You have the right to receive the data you have provided from the person responsible in a structured, common and machine-readable format. A forwarding to another responsible person must not be prevented by us.
 - **Right of objection** according to Art. 21 GDPR:
To do this, please contact the person responsible for processing (see above).
 - **Right of appeal** to the supervisory authority pursuant to Art. 13 para. 2 d), 77 GDPR in connection with Section 19 BDSG:
If you believe that the processing of your data violates the GDPR, you have the right to lodge a complaint with the supervisory authority by contacting the competent supervisory authority To do this, please contact the responsible supervisory authority

Addresses and links to the contact details of the data protection officers in the federal states or the supervisory authorities for the non-public area can be found

at: https://www.bfdi.bund.de/DE/Infothek/Anschriften/Links/anschriften_links-node.html

- **Withdrawal of consent** according to Art. 7 para. 3 GDPR:
If the processing is based on your consent according to Art. 6 para. 1 a) GDPR in conjunction with Section 26 Para. 2 BDSG or Art. 9 para. 2 a) GDPR (processing of special categories of personal data), you are entitled to **withdraw the appropriately bound consent** at any time without affecting the legality of the processing carried out on the basis of the consent up to the point of revocation.