

This document is a translation. In case of doubt or confusion, the German version applies.

Data protection declaration, funding procedures

The protection of your personal data is extremely important to us. Therefore, we wish to provide you with information concerning data protection. It goes without saying that we comply with the statutory provisions of the General Data Protection Regulation (GDPR), the German Telemedia Act (TMG) and other regulations under data protection law.

By means of this data protection declaration, the GFAW wishes to inform you of the type, scope and purpose of the personal data which is gathered, used and processed by us. Furthermore, this data protection declaration will inform you of the rights to which you are entitled.

As the body responsible for the processing (data controller), the GFAW has implemented numerous technical and organisational measures, in order to ensure the greatest possible degree of protection of the personal data being processed.

Legal position of the GFAW

The GFAW has been engaged in the performance of public duties in the area of donations in accordance with Section 44 Paragraph 3 ThürLHO. It performs the functions of an authority (Section 1 Paragraph 2 ThürVwVfG).

1. Definitions

The data protection declaration of the GDAW is based on the terms which were used by the European issuer of directives and regulations when passing the GDPR. We hope that our data protection declaration is easily readable and understandable for you. In order to enable this, we first wish to explain the terms which are used.

Amongst others, we use the following terms in this data protection declaration:

a) Personal data

Personal data is all information which relates to an identified or identifiable natural person (hereinafter "data subject"). A natural person is considered identifiable if he or she can be identified directly or indirectly, in particular by means of assignment to an identifier such as a name, ID number, location data, online profile or one or more special characteristics which are the expression of the physical, physiological, genetic, psychic, economic, cultural or social identity of this natural person.

b) Data subject

A data subject is any identified or identifiable natural person whose personal data is processed by the body responsible for the processing.

c) Processing

Processing is any processed carried with or without the assistance of automated procedures, or any such processing actions in connection with personal data, such as the gathering, recording, organisation, filing, saving, adjustment or alteration, reading, retrieval, use, disclosure by transfer, distribution or other form of provision, comparison or combination, restriction, deletion or destruction.

d) Restriction of processing

Restriction of processing is the marking of saved personal data with the objective of restricting its processing in the future.

e) Profiling

Profiling is any type of automated processing of personal data where the personal data is used in order to evaluate certain personal aspects which relate to a natural person, in particular in order to analyse or forecast aspects relating to work performance, economic position, health, personal preferences, interests, reliability, whereabouts or change of location of this natural person.

f) Pseudonymisation

Pseudonymisation is the processing of personal data in such a way where the personal data can no longer be assigned to a specific data subject without consulting additional information, should this additional information be stored separately and be subject to technical and organisational measures which ensure that the personal data cannot be allocated to an identified or identifiable natural person.

g) Controller or body responsible for the processing

The controller or body responsible for the processing is the natural or legal person, authority, institution or other location which takes decisions alone or with others concerning the purposes and means of the processing of personal data. Should the purposes and methods of this processing be regulated by EU law or the laws of the Member States, the controller and the specific criteria of its naming can be determined under EU law or the laws of the Member States.

h) Processor

A processor is a natural or legal person, authority, institution or other body which processes personal data on behalf of the controller.

i) Recipient

A recipient is a natural or legal person, authority, institution or other body to whom personal data is disclosed, regardless of whether this is a third party or not. Authorities which may receive personal data in accordance with EU or the laws of the Member States within the framework of a specific investigation order are not, however, considered to be recipients.

j) Third party

A third party is a natural or legal person, authority, institution or other body apart from the data subject, the controller, the order processor and the persons who is authorised to process the personal data under the direct responsibility of the controller or order processor.

k) Consent

Consent is any statement of intent issued by the data subject voluntarily for the specific case in an informed manner without any misunderstanding in the form of a declaration or other clear action of a confirming nature, by means of which the data subject makes clear that he or she agrees to the processing of the personal data relating to him or her.

2. Name and address of the controller

The controller as defined in the GDPR, other data laws which apply in the Member States of the European Union and other provisions of a data protection law character is:

GFAW - Gesellschaft für Arbeits- und Wirtschaftsförderung des Freistaats Thüringen mbH
Warsbergstrasse 1
99092 Erfurt Germany

Tel: +49 (0) 361 2223 0
Email: servicecenter@gfaw-thueringen.de
Website: www.gfaw-thueringen.de

3. Name and address of the data protection officer

The data protection officer of the controller is: Thomas Störmer

GFAW - Gesellschaft für Arbeits- und Wirtschaftsförderung des Freistaats Thüringen mbH
Warsbergstrasse 1
99092 Erfurt Germany

Tel: +49 (0) 361 2223 221
Email: datenschutz@gfaw-thueringen.de
Website: www.gfaw-thueringen.de

You can contact our data protection officer directly at any time should you have any queries or concerns relating to data protection.

4. Processing of data and information

Our Internet site (funding portal) gathers general data and information each time it is accessed by you or an automated system. This general data and information is saved in the log files of the server. The following can be recorded: (1) the browser, type and version, (2) the operating system used by the accessing computer, (3) the Internet site from which an accessing computer was referred to our Internet site (so-called referrer), (4) the subpages via which an accessing computer was directed to our Internet site, (5) the date and time of accessing the Internet site, (6) IP address, (7) the Internet service provider of the accessing computer and (8) other similar data and information which serves the purpose of defending against danger in case of attacks against our IT systems.

When using this general data and information, the GFAW is unable to trace you personally. Rather, this information is required in order to (1) correctly deliver the content of our Internet site, (2) optimise the content of our Internet site, (3) ensure the continual functionality of our IT systems and the technology of our Internet site and (4) provide the necessary information to the criminal prosecution authorities in order to bring charges in the case of a cyber attack. This data and information which is gathered anonymously is therefore evaluated statistically and also with the objective of increasing data protection at the GFAW in order to ultimately ensure an optimal level of protection for all personal data which is processed by us. The anonymous data of the log files is saved separately from all personal data provided by the data subject.

For funding procedures, the following information may be used:

- Contact data
- Personnel master data
- Qualifications
- Basis of the employment contract
- Payment and billing data
- Work information
- Personal data
- Education and professional training
- Earning status
- Claiming of the ALG I/II
- Residency status
- Single parent status and form of living
- Migration background and membership of the recognised Sinti and Roma national minority
- Disability and disadvantage

During the application process and subsequent performance of the measure, as well as in allocation proceedings, various data of the participants and/or employees is necessary. The relevant forms for application, request for funds, proof of use and any success control and the allocation and billing documents, for example, provide information relating to the type of data in concrete terms.

If applicable, personal data will be processed from publicly accessible sources (for example commercial register, register of associations, civil register).

Should the necessary data not be provided, this will lead to

- the (partial) rejection of the application in the funding procedure and/or the partial or full withdrawal of the notice and possible obligation to refund the sums paid,
- the offer not being taken into account during the allocation process or the reduction of the funds to be paid and possible rescission of the contract.

Data which will lead to legal disadvantages if not provided is identified as such in the corresponding forms.

The recipients of personal data in the course of the funding procedure may be:

- the respectively competent ministry of the Free State of Thuringia and its representatives
- the competent offices of the European Commission
- further authorised offices according to EU regulations and their representatives
- other bodies involved in the financing of the project (for example, nursing care insurance fund, Federal Insurance Office)
- the Court of Auditors of Thuringia (Section 91 ThürLHO)
- the Federal Court of Auditors (Section 91 BHO)
- the European Court of Auditors (Article 287 AEUV)
- the Thüringer Aufbaubank

5. Earmarked use of data

We comply with the principle of the earmarked use of data and only process your personal data for the purpose for which it was gathered. The personal data which is gathered is processed for the purpose of allocating public funds for the implementation of support measures, including the necessary success controls.

In addition, the processing may be necessary to safeguard the legitimate interests of the GFAW or of a third party. In such a case, a consideration of interests on the basis of the individual situation will take place and you will be notified of this.

The GFAW mbH guarantees that your information will be treated confidentially in accordance with the provisions under data protection laws. Any transfer to state institutions and authorities who are entitled to information also takes place only with the framework of the statutory information obligations or if we are obliged to provide information due to the decision of a court.

Our employees and the service companies engaged by us have had a secrecy obligation placed on them by us and are required by us to comply with the provisions under data protection laws.

6. Contact form and enquiries

The Internet site of the GFAW provides a contact form which can be used for getting in touch with us electronically. Alternatively, it is possible to get in touch with us via the provided email address. Should you get in touch with the GFAW via these channels, the personal data provided by you will be automatically saved. Saving takes place solely for processing the query or getting in touch with you. The data is not passed on to third parties. We will only use the questions, suggestions, notifications or complaints for the processing of these. The data which is gathered will be deleted within six months after it has been processed.

7. Routine deletion and blocking of personal data

The GFAW only processes and saves your personal data for the period of time which is necessary in order to attain the purpose of the saving or if this has been prescribed by the European issuer of directives and regulations or another legislator in laws or regulations to which the GFAW is subject.

Should the purpose of the saving no longer apply or should a retention period prescribed by the European issuer of directives and regulations or another competent legislator expire, the personal data will be routinely blocked or deleted in accordance with the statutory regulations.

8. Rights of the data subject

a) Right of confirmation

You have the right to request confirmation from the GFAW as to whether personal data which relates to you is being processed. Should you wish to exercise this right of confirmation, you can contact our data protection officer or another employee of the GFAW at any time.

b) Right of information

You have the right to request free-of-charge information from the GFAW concerning the personal data relating to you which is saved at any time and to receive a copy of this information. You also have the right to receive the following information:

- the processing purposes
- the categories of personal data which are being processed

- the recipients or categories of recipients to whom the personal data has been disclosed or will be disclosed, in particular in case of recipients in third countries or at international organisations
- if possible, the planned duration for which the personal data will be saved or, if this is possible, the criteria for determining this duration
- the existence of a right of correction or deletion of the personal data relating to you or to have the processing by the controller restricted or the right to raise an objection against this processing
- the existence of a right to complain to the state data protection officer
- if the personal data is not collected from you: all available information concerning the origin of the data
- the existence of automated decision making, including profiling, in accordance with Article 22 Paragraph 1 and Paragraph 4 GDP and, at least in these cases, detailed information concerning the involved logic and the scope and intended effects of such processing for you

Furthermore, you have the right to receive information as to whether personal data is transferred to a third country or international organisation. Should this be the case, you also have the right to receive information concerning the suitable guarantees in connection with the transfer.

Should you wish to exercise this right of information, you can contact our data protection officer or another employee of the GFAW at any time.

c) Right of rectification

You have the right to request the immediate correction of incorrect personal data relating to you. Taking the purposes of the processing into account, you also have the right to request the completion of incomplete personal data, – also by means of a supplementary declaration – .

Should you wish to exercise this right of rectification, you can contact our data protection officer or another employee of the GFAW at any time.

d) Right of deletion (right to be forgotten)

You have the right to request that the GFAW immediately deletes the personal data relating to you, should one of the following reasons be present and should the processing not be necessary:

- The personal data is only gathered or otherwise processed for purposes for which it is no longer necessary.
- You revoke your consent on which the processing was based in accordance with Article 6 Paragraph 1 Letter a) GDPR or Article 9 Paragraph 2 Letter a) GDPR and no other legal basis for the processing is present.
- You raise an objection to the processing in accordance with Article 21 Paragraph 1 GDSPR and there are no legitimate reasons for the processing which take priority, or you raise an objection to the processing in accordance with Article 21 Paragraph 2 GDPR.

- The personal data has been processed unlawfully.
- The deletion of the personal data is necessary in order to fulfil a legal obligation under EU law or the laws of the Member States to which the GFAW is subject.

Should one of the reasons above be present and should you wish to have the personal data which is saved by the GFAW deleted, you can contact our data protection officer or another employee of the GFAW at any time. The data protection officer of the GFAW or another employee will ensure that the deletion request is complied with immediately.

In the case that the personal data has been made public by the GFAW and the GFAW is obliged to delete the personal data as the controller in accordance with Article 17 Paragraph 1 GDPR, the following applies:

Taking the available technology and implementation costs into account, the GFAW takes reasonable measures, also of a technical nature, in order to inform other bodies responsible for the processing of the published personal data that you have requested from this other body responsible for the processing that all links to this personal data or all copies or reproductions of this personal data be deleted, should the processing not be necessary.

The data protection officer of the GFAW or another employee will ensure that the necessary actions are carried out in the individual case.

e) Right to have the processing restricted

You have the right to request that the GFAW restricts the processing, should one of the following requirements be present:

- The correctness of the personal data is disputed by you. For the period of time for the checking of the correctness of the personal data by the GFAW, the processing is restricted.
- The processing is unlawful, you reject the deletion of the personal data and instead request that the use of the personal data be restricted.
- The GFAW no longer requires the personal data for the purposes of processing, however you require it in order to assert, exercise or defend legal claims.
- You have raised an objection to the processing in accordance with Article 21 Paragraph 1 GDPR and it is not yet clear whether the legitimate reasons of the GFAW outweigh yours.

Should one of the reasons above be present and should you wish to have the processing of the personal data which is saved by the GFAW restricted, you can contact our data protection officer or another employee of the GFAW at any time. The data protection officer of the GFAW or another employee will ensure that the restriction of the processing takes place.

f) Right of data portability

You have the right to receive the personal data which you have provided to the GFAW in a structured, up-to-date and machine readable format. You also have the right to transfer this data to another controller without hindrance on the part of the GFAW, if:

- the processing is based on the consent in accordance with Article 6 Paragraph 1 Letter a) GDPR or Article 9 Paragraph 2 Letter a) GDPR or based on a contract in accordance with Article 6 Paragraph 1 Letter b) GDPR and the processing takes place with the assistance of automated procedures
- the processing is not necessary in order to fulfil a task which is in the public interest or which takes place in the course of exercising of public powers which were assigned to the GFAW.

When exercising your right of data portability in accordance with Article 20 Paragraph 1 GDPR, you also have the right to have the personal data transferred directly from one controller to another controller, should this be technically possible and provided that the rights and freedoms of other persons are not impaired as a result.

In order to exercise the right of data portability, you can contact the data protection officer appointed by the GFAW or another employee at any time.

g) Right of objection

For reasons connected to your specific situation, you have the right at any time to raise an objection to the processing of personal data relating to you which takes place in accordance with Article 6 Paragraph 1 Letter e) or Letter f) GDPR.

In the case of an objection, the GFAW will no longer process the personal data, unless we can prove mandatory protectable reasons for the processing which outweigh your interests, rights and freedoms or unless the purpose of the processing is the assertion, exercising or defence of legal claims.

For reasons connected to your specific situation, you also have the right to raise an objection against the processing of personal data relating to you which is carried out by the GFAW for scientific or historical research purposes or for statistical purposes in accordance with Article 89 Paragraph 1 GDPR, unless such processing is necessary in order to fulfil a task which is in the public interest.

In order to exercise the right of objection, you can contact the data protection officer of the GFAW or another employee directly.

h) Right to revoke consent issued in accordance with data protection laws

You have the right to revoke consent to the processing of personal data at any time. From the time of the revocation, the GFAW will suspend the further data processing.

Should you wish to exercise this right to revoke consent, you can contact our data protection officer or another employee of the GFAW at any time.

i) Right to complain to a supervisory authority

Regardless of legal remedies under administrative laws or of a court, you have the right to contact the state data protection officer directly with a complaint, should you be of the opinion that the processing of your personal data by the GFAW has infringed your rights.

9. General legal basis of the processing

Should the processing be necessary in order to fulfil a task which is in the public interest or which takes place in the course of exercising of public powers which were assigned to the GFAW, the processing is based on Article 6 Paragraph 1 Letter e) GDPR.

Article 6 Paragraph 1 Letter a) is the legal basis for the GFAW for processing procedures where we obtain consent for a specific processing purpose.

Should the processing of personal data be necessary to fulfil a contract where the contracting party is the data subject, the processing is based on Article 6 Paragraph 1 Letter b) GDPR.

Should the GFAW be subject to a legal obligation which makes the processing of personal data necessary, for example in order to comply with tax obligations, the processing is based on Article 6 Paragraph 1 Letter c) GDPR.

In rare cases, the processing of personal data may become necessary in order to protect vital interests of the data subject or another natural person. For example, this would be the case if a visitor to the GFAW were injured and as a result, his or her name, age, health insurance data or other essential information needed to be disclosed to a doctor, hospital or other third parties. In such a case, the processing would be based on Article 6 Paragraph 1 Letter d) GDPR.

Ultimately, the processing could be based on Article 6 Paragraph 1 Letter f) GDPR. On this legal basis, processing procedures are based which are not covered by any of those named above, should the processing be necessary to safeguard a legitimate interest of the GFAW or of a third party, provided that the interests, basic rights and basic freedoms of the data subject do not outweigh this.

10. Duration for which the personal data is saved

The criteria for the duration of the saving of personal data is the respective statutory retention period. Following the expiry of the period, the relevant data will be routinely deleted or blocked (see point 7 paragraph 2), should it no longer be necessary for the purposes for which it was gathered or otherwise processed.

11. Existence of automated decision making

The GFAW does not carry out any automated decision making or profiling.