

# **Data Privacy Policy for Applicants**

## **AutoForm Engineering Deutschland GmbH**

– Information pursuant to Art. 13, 14 and 21 of the General Data Protection Regulation (GDPR) –

This data privacy policy specifies how AutoForm Engineering Deutschland GmbH (hereinafter AutoForm) uses and protects personal data (see Art. 4 No. 1 GDPR) of applicants.

### **1. Who is responsible for the processing of personal data and whom you can contact**

Responsible for the processing of personal data is: AutoForm Engineering Deutschland GmbH, Joseph-von-Fraunhofer-Straße 13a, 44227 Dortmund

You can reach our data protection officer as follows: data protection officer, AutoForm Engineering Deutschland GmbH, Joseph-von-Fraunhofer-Straße 13a, 44227 Dortmund; e-mail: [privacy@autoform.de](mailto:privacy@autoform.de)

### **2. What personal data do we process**

You yourself determine the scope of the data you wish to transfer to us as part of your application. When you apply, we process data from you that you provide to us as part of your application. This can be contact data as well as all data related to the application (CV, references, qualifications, answers to questions, etc.). The legal basis for this results from § 26 German Federal Data Protection Act (BDSG).

We do not intentionally collect special types of personal data (information about racial and ethnic origin, political opinions, religious and philosophical beliefs, union membership, health or sexual life) in the application process. Accordingly, we ask you not to provide any information on the above criteria as part of your application.

We process the following personal data or categories of personal data that you provide to us:

- Basic data (e.g. name, address, date of birth, e-mail address, telephone number)
- Educational data (e.g. high school, company-based training, university)
- Personal interests (e.g. hobbies, voluntary work)
- Passport photo
- Other application data (data that you provide voluntarily, e.g. in your cover letter, CV, references)
- Communication data (e.g. personal data that you disclose in personal, telephone or written communication)
- Privacy statements (such as consent to the processing of personal data, revocation of your consent; objections to the processing of personal data; statements on how to exercise your rights of access, rectification, erasure, restriction of processing and data transfer, including the information you provide to us by exercising your rights)

We do not process self-generated personal data.

We process the following personal data or categories of personal data that are provided by third parties: letters of recommendation or information on job-related performance from former employers or from other third parties.

### **3. How long do we process personal data**

We process personal data only as long as it is necessary for the purposes listed below.

In the event of an unsuccessful application, we will delete your personal data no later than six months after you have received the rejection of your application. This deadline arises as protection against recourse under the German General Act on Equal Treatment (AGG). However, there may be legal regulations (e.g. the General Tax Code § 147) that require us to retain certain documents for six to ten years. After the conservation period has expired, we delete data that is no longer required.

#### 4. For what purpose and on what legal basis do we process personal data

As part of the application process, we would like to get to know each other – before you choose us and we choose you. Your application documents, which you send to us in writing or in text form, should serve as basis. We would like to get to know each other even better during a personal meeting – possibly by video interview via “MS Teams”. The purpose of this data collection is to make a well-founded decision for a long-term cooperation.

We will process all personal data provided by you including the data resulting from all attachments you enclose solely for the purpose of your application.

In principle, we process your personal data in accordance with the provisions of the European General Data Protection Regulation and the German Federal Data Protection Act (BDSG) for various purposes. The following are generally considered to be the purposes of the processing: processing for the initiation of contractual relationships and for the fulfillment of contracts (Art. 6 Para. 1 lit. b GDPR), for the protection of legitimate interests (Art. 6 Para. 1 lit. f GDPR), based on your consent (Art. 6 Para. 1 lit. a GDPR) and/or based on legal provisions (Art. 6 Para. 1 lit. c GDPR).

Specifically, we process your personal data for the following purposes and on the following legal bases:

Purpose / legitimate interest	Processed data or data category	Legal basis
Processing and evaluation of the application; confirmation and rejection of the application	basic data; educational data; personal interests; passport photo; communication data; other application data	§ 26 Para. 1 S. 1 BDSG
In the event of a successful application: transfer of application data into the personnel file	basic data; educational data; personal interests; passport photo; communication data; other application data	§ 26 Para. 1 S. 1 BDSG, Art. 6 Para. 1 lit. f GDPR
Assertion, exercise or defense of legal claims	basic data; all data or categories of data relevant in connection with the legal claim	Art. 6 Para. 1 lit. f GDPR
Management of consent and revocation statements	basic data; privacy statements	Art. 6 Para. 1 lit. c GDPR, Art. 6 Para. 1 lit. a GDPR
Management of data subjects' rights (processing of data subjects' requests for access, rectification, erasure, restriction and/or transferability of data; processing of data subjects' objection pursuant to Art. 21 GDPR)	basic data; privacy statements; all data or categories of data that are subject of the request	Art. 6 Para. 1 lit. c GDPR

#### 5. Who receives your personal data

Within AutoForm, only those persons/departments will receive your data that need them to process your application.

##### a) Processors

We do not use service providers who process your personal data on our behalf (see § 4 No. 8 GDPR).

##### b) Controller

In some cases, your personal data may be disclosed to our group company AutoForm Engineering GmbH (Unterdorfstrasse 12, 8808 Pfäffikon SZ, Switzerland), as a third party (see Art. 4 No. 7 GDPR). Group relevance is a legitimate interest according to Art. 6 Para. 1 lit. f GDPR.

#### 6. Transfer of personal data in a third country

Data shared with AutoForm Engineering GmbH are transferred to Switzerland.

The European Commission has issued an adequacy decision on data transfer to Switzerland, which certifies that Switzerland has an adequate level of data protection.

## **7. Are you obliged to provide personal data**

There is no legal or contractual obligation to provide personal data. However, in order to process and evaluate your application, we require personal data about your qualifications for the advertised position. Without this personal data, we cannot consider your application.

## **8. Data correctness**

You shall ensure that the personal data you provide is true, correct and up-to-date. You may not apply on behalf of third parties. If you violate the rights of third parties when using texts, photos or graphics, for example, you may be held liable.

## **9. Video interviews via “MS Teams” in the application process**

In order to conduct job interviews online (“video interviews”), if required, we use the “Teams” tool from Microsoft Corporation.

In principle, it is inadmissible for both you and us to make recordings in picture and sound.

When using MS Teams as part of our video interview, various types of data are processed. The scope of the data also depends on the data you provide before or during participation in a video interview.

During the video interview, the following personal data can be processed:

- Communication data (e.g. your e-mail address, if you provide it on a personal basis)
- Log files, log data
- Meta data (e.g. topic and description of the meeting, IP address, time of attendance, etc.)
- Profile data (e.g. your user name, first name, last name, etc. if you provide it on your own accord)

To participate in a video interview, you will receive an invitation (invitation link or a calendar date) by e-mail to the e-mail address stated in your application letter. In the process, we will process your registration data.

To participate in a video interview, you must at least provide information about your name. You can deactivate the transmission via microphone and camera at any time with the corresponding settings. To ensure transparency, all participants and people present during the video interview can be seen or heard on our site.

The provider Microsoft may obtain knowledge of the above-mentioned data as part of the order processing in order to process it. All data traffic is encrypted (MTLS, TLS or SRTP) and the data storage generally takes place on servers in the European Economic Area (EEA). From a data protection perspective, the provider Microsoft is one of the providers from so-called “third countries” (here USA) whose data protection level does not correspond to that of the EU. In order to ensure an appropriate level of data protection for any transfer of personal data, we have entered into contractual agreements to protect your privacy (these include the new EU standard contractual clauses). If a transfer to so-called “third countries” is intended and no adequacy decision or appropriate safeguards are in place, it is possible that authorities in the respective third country (e.g. intelligence services) could gain access to the transferred data in order to collect and analyze it, so that enforceability of your data subject rights cannot be guaranteed. For more information, please refer to Microsoft’s privacy policy, available at: <https://privacy.microsoft.com/de-de/privacystatement>

## **10. Automated decision-making and profiling**

We do not use your personal data in any way for automated decision-making.

## 11. Your rights

Every data subject has the right of information (Art. 15 GDPR), the right of rectification (Art. 16 GDPR), the right of erasure (Art. 17 GDPR), the right to restrict processing (Art. 18 GDPR) and the right of data transferability (Art. 20 GDPR). To exercise these rights you can contact us using the contact details provided in Section 1 – “Who is responsible for the processing of personal data and whom you can contact”.

Requests submitted electronically are usually answered electronically. The information, notifications and measures to be provided in accordance with GDPR, including “the exercise of data subject rights”, are generally provided free of charge. Only in the case of manifestly unfounded or excessive requests are we entitled to charge an appropriate fee for processing or to refrain from taking action (Art. 12 Para. 5 GDPR). If there are reasonable doubts about your identity, we may request additional information from you for the purpose of identification. If we are unable to identify you, we are entitled to refuse to process your request. We will inform you separately about a missing possibility of identification – as far as possible (see Art. 12 Para. 6 and Art. 11 GDPR). As a rule, requests for information will be processed immediately, within one month of receipt of the request. The deadline may be extended by a further two months if this is necessary, taking into account the complexity and/or number of requests. In the event of an extension of the deadline, we will inform you of these reasons for the delay within one month of receiving your request. If we do not act on a request, we will inform you without undue delay within one month of receipt of the request of the reasons for this and inform you of the possibility to lodge a complaint with a supervisory authority or to seek judicial remedy (see Art. 12 Para. 3 and Para. 4 GDPR).

In so far as, the personal data are processed for the purpose of our legitimate interest pursuant to Art. 6 Para. 1 lit. f GDPR, you have a right to object pursuant to Art. 21 GDPR. You can find more information about your right to object at the end of this data privacy policy.

If you believe that the processing of your personal data is unlawful, you have also the right to lodge a complaint with the responsible supervisory authority (Art. 77 GDPR). This right of complaint is without prejudice to other administrative or judicial remedies. The data protection supervisory authority responsible for AutoForm Engineering Deutschland GmbH is the Landesbeauftragte für den Datenschutz Nordrhein-Westfalen (LDI NRW), Kavalleriestr. 2-4, 40213 Düsseldorf, Telephone: 0211/38424-0, E-mail: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de)

### **Information about your right to object pursuant to Art. 21 General Data Protection Regulation (GDPR)**

You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data concerning you based on Art. 6 Para. 1 lit. f GDPR (Processing of personal data on the basis of a balance of interests); this includes the profiling on the basis of these provisions (Art. 4 No. 4 GDPR).

If you decide to object to the processing, we will stop processing your personal data unless there are compelling grounds for the processing that override your interests and rights, or the processing is for the establishment, exercise or defense of legal claims.

The objection is not subject to any form. The best way to do this is to contact the contacts listed in Section 1 – “Who is responsible for the processing of personal data and whom you can contact”.