

Data protection notice for applicants

Thank you for your interest in us and in a position with our company. You will find information below about the processing of your personal data in the context of your application.

Who is responsible for data processing?

PEK3 GmbH

Hans-Urmiller-Ring 24

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For further information about our company, authorized representatives and additional ways to contact us, please see the legal notice on our website: <https://pek3.com/impressum/>

Our Data Protection Officer

We have appointed a Data Protection Officer in our company. You may contact Stephan Kirschke at privacy@pek3.com

What data about you are processed by us? And for what purposes?

We process the data you have sent us in the context of your application in order to assess your suitability for the position (or, where applicable, other open positions in our company) and in order to conduct the application procedure.

We use the "Teams" tool from Microsoft Corporation to conduct job interviews online when needed. Various types of data (video, usage and contact data) are processed when using "Teams". For more information, see the sections "To what recipients are the data transferred?" and "Where are the data processed?".

We do not intend to process any special categories of personal data concerning you. This includes data that indicate racial and ethnic origins, political opinions, religious beliefs or ideologies, or union membership, as well as the processing of genetic data, biometric data for the unique identification of a natural person, health data or data about the sex life or sexual orientation of a natural person. If you choose to provide us with such personal data, the processing by us also includes such data.

What is the legal basis?

The legal basis for processing your personal data in this application procedure is primarily point (b) of Art. 6(1) GDPR. Accordingly, the processing of data that is required in the context of the decision to enter into an employment relationship is permissible.

Insofar as special types of personal data within the meaning of Art. 9 GDPR are processed (health data, for example), the legal basis is Section 26(3) of the Federal Data Protection Act (BDSG) and/or point (b) of Art. 9(2) GDPR in conjunction with point (b) of Art. 6(1) GDPR.

If you have given your consent to be included in our applicant pool, the legal basis for our processing is point (a) of Art. 6(1) GDPR in conjunction with Section 26(2) of the Federal Data Protection Act (BDSG).

In any case, the use of "Teams" is an integral element of conducting an effective job interview; therefore, the legal basis for data processing is point (f) of Art. 6(1) GDPR. In these cases, we have a legitimate interest in effectively conducting online meetings.

Should the data be needed after the conclusion of the application procedure, for example, in legal proceedings, data processing may take place based on the requirements of Art. 6 GDPR, in particular for the purposes of legitimate interests in accordance with point (f) of Art. 6(1)

GDPR. In this case, our legitimate interest consists of the establishment, exercise or defence of legal claims and associated proceedings.

How long will the data be stored?

In case of rejection, applicant data are erased after 6 months.

If you have given your consent for the continued storage of your personal data, we include your data in our applicant pool. Then the data are erased after 12 months.

If you are hired in the course of the application procedure, the data are transferred from our applicant data system to our personnel information system.

To what recipients are the data transferred?

The HR department reviews the data after your application is received. Suitable applications are then forwarded to the head of the department for the respective open position. Then the next steps are coordinated. On principle, only those persons in the company who need the data for the proper execution of our application procedure have access to your data.

Video, audio and chat content, where applicable, is only processed in the course of the respective online meeting. "Teams" is an online meeting platform within Microsoft 365, used by us through the service provider Microsoft Ireland Operations Limited, One Microsoft Place, South County Business Park, Leopardstown Dublin 18, Ireland by way of commissioned data processing.

Your applicant data may also be disclosed to third parties to the extent we are obliged to do so by law – for example, under a court order (legal basis for processing: point (c) of Art. 6(1) GDPR).

Where are the data processed?

Processing of the data takes place exclusively in data centres within the European Economic Area (EEA). There is generally no data processing outside the European Economic Area (EEA). However, we cannot exclude the possibility of data routing via Internet servers located outside the EU. In particular, this may be the case when "Teams" participants are located in a third country.

However, the data are encrypted for transmission via the Internet and therefore protected against unauthorised access by third parties.

Consequences of not providing data

Providing personal data is necessary in order to conduct the application procedure with you and to later conclude an employment contract with you. You are not obliged to provide us with personal data. Insofar as you do not provide us with the personal data required for the selection process or the conclusion of an employment contract, we may not be able to consider your application in the application procedure.

Your rights as a data subject

Right to information

You have the right to information about the personal data about you processed by us. If your request for information is not submitted in writing, please understand that we may request proof from you that you are the person you claim to be.

Right to rectification or erasure

You also have a right to rectification or erasure of the data to the extent stipulated by law.

Notification right

If you have exercised the right to rectification, erasure or restriction of processing against us, we are obliged to inform each recipient to whom we have disclosed the personal data concerning you of the rectification or erasure. We are also obliged to inform them of the restriction of processing, unless this proves impossible or involves disproportionate effort. You have the right to be informed by us about those recipients.

Right to the restriction of processing

You have the right to request the restriction of processing from us where one of the following applies:

- The accuracy of the personal data is contested by you, for a period enabling us to verify the accuracy of the personal data.
- The processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead.
- We no longer need your personal data for the purposes of our processing, but they are required by you for the establishment, exercise or defence of legal claims.
- You have objected to processing pursuant to Art. 21(1) GDPR pending verification whether our legitimate grounds override yours.

If the processing of personal data concerning you has been restricted, these data – aside from storage – may only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the European Union or of a Member State.

If processing was restricted according to the above requirements, you will be informed by us before the restriction is lifted.

Your right to the restriction of processing may be limited to the extent this is expected to severely impair or make impossible the realisation of research or statistical purposes, and this limitation is necessary to achieve the research or statistical purposes.

Right to data portability

You have the right to receive the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format. You also have the right to transmit those data to another controller without hindrance from us, where:

1. the processing is based on consent pursuant to point (a) of Art. 6(1) GDPR or point (a) of Art. 9(2) GDPR, or on a contract pursuant to point (b) of Art. 6(1) GDPR; and
2. the processing is carried out by automated means.

In exercising this right, you also have the right to have the personal data concerning you transmitted directly from one controller to another, where technically feasible. This shall not adversely affect the rights and freedoms of others.

Objection to processing

You have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data concerning you that is based on point (e) or (f) of Art. 6(1) GDPR.

We shall no longer process the personal data concerning you unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.

Right to revoke the data protection declaration of consent

You have the right to revoke your consent given under data protection law at any time. The revocation of consent does not affect the lawfulness of processing prior to your revocation.

Right to complain

You have a right to complain to the supervisory authority for data protection about the processing of personal data by us.