Information on collection of personal data according to the GDPR for applicants

The EU General Data Protection Regulation requires us to provide you with comprehensive information for processing of your personal data. In compliance with this obligation, we inform you of the following:

I. Processor

1.1 Name and contact details of the controller

SmartHeat Deutschland GmbH, Am Augraben 10, 18273 Güstrow
Tel.: +49 3843 22790
Fax: +49 3843 683132
eMail: info@smartheat.de

1.2 Name and contact details of the representative in the EU according to sect. 27 GDPR
(only if the controller or processor is not resident in the Union)

not applicable

1.3 Contact details of the data protection officer

External data protection officer:
ECOVIS Keller Rechtsanwälte PartG mbB
Rechtsanwalt Axel Keller / Senior Associate Karsten Neumann
Am Campus 1-11 - 18182 Rostock
Phone: 0 381 12 88 49-0
eMail: dsb-nord@ecovis.com
web: www.ecovis.com/datenschutzberater

II. Processing scope

2.1 Categories of personal data concerned that are processed

As part of the applicant management we process the following data or categories of data:
General:
Identification Data
Gender
Address
Personal Data
Professional activities
Residential address
Current job
Nationality
Immigration status
Professional qualification
Job experience
Beginning / termination of employment relationship
Professional development
Parent property
Date of birth and marital status
Information about children
Preferences, habits, social contacts

2.2 Source of personal data
We generally collect your data in direct contact with the data subject.
As far as this is necessary for the evaluation of your application, we may process personal data legitimately received from other bodies or from other third parties. In addition, we process personal data that we collect from publicly accessible sources (such as trade and association registers, registration registers, press, internet and other media).

2.3 Duration of storage of the data
The personal data collected by us will be stored according to the provision of our erasure concept until the end of the statutory archiving obligation; they will then be erased, except of we are obligated to archive the data for a longer period according to section 6 para. 1 s. 1 lit. c GDPR due to archiving and documentation obligations under tax and commercial law (from the Commercial Code, Criminal Code or Tax Code) or if you have consented to storage beyond this according to sect. 6 para. 1 s. 1 lit. a GDPR.

Subject to such storage obligations, data will be deleted when the purpose for which they were collected does not apply any longer. In the case of applications which we have not taken into account, this usually takes place six months after the end of the selection procedure. To the extent permitted by law, personal data are also stored for longer if this is necessary to assert or defend against legal claims.

2.4 Purposes of processing
The purposes of processing your data are
- processing your application for a specific vacancy or as an unsolicited application, and in this context
  - examination and assessment of your suitability for the position to be filled;
  - evaluation of performance and behaviour to the extent permitted by law;
  - if applicable, registration and authentication for the application via our website
  - if necessary, drafting of the employment contract;
  - travel and event management, travel booking and travel expense accounting, authorization and ID card management;
  - cost recording and controlling;
  - contract-related communication (including appointments) with you;
  - enforcement of legal claims and defence in legal disputes;
  - ensuring IT security (including system and plausibility tests) and general security, including building and system security, securing and exercising domiciliary rights through appropriate measures and, if necessary, through video surveillance to protect third parties and our employees;
  - obtaining references from previous employers or using your data for subsequent vacancies.

2.5 Legal basis for processing
We only process your data if there is a legal basis for it. This is the case according to sect. 6 para. 1 GDPR when at least one of the following provisions is met:

a. you have given **consent** to the processing of your personal data for one or several specific purposes
b. processing is necessary for the **performance of a contract** to which you are a party or in order to **take steps** at your request **prior to entering into a contract**;
c. processing is necessary for **compliance with a legal obligation** to which we are subject;
d. processing is necessary in order to protect the **vital interests** of the data subject or of another natural person;
e. processing is necessary to **maintain our legitimate interests** except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data.

The processing of your data is therefore generally carried out on the basis of sect. 6 para. 1 lit. b GDPR, insofar as this is necessary for the implementation of pre-contractual measures.
Finally, we may rely on your voluntary, informed and unambiguous consent for a specific purpose. In this case we will inform you separately in connection with the consent.
With regard to obtaining references from previous employers or the use of your data for subsequent vacancies, processing is carried out exclusively on the basis of your consent.
We expressly point out that it might happen that in some cases the processing could be based on several legal bases applicable side by side. In such a case, we reserve the right to base the processing on another legal basis, even in the event of revocation of consent. We will inform you accordingly in the event of revocation of consent.

2.6 Legitimate interests within the meaning of sect. 6 para. 1 lit. f GDPR
Our legitimate interests – or those of a third party – may be

a. the presence of a legal relationship between us;
b. the prevention of fraud;
c. measures to ensure and improve the safety of IT systems;
d. measures to protect our company from illegal actions and
e. internal administrative purposes, in particular exchange of data within our group of companies.

In particular, data processing within our group of companies is based on our legitimate interest in using a central office within our group of companies to fulfil the tasks and

obligations that meet us within the framework of proper applicant management.
We therefore base data processing and in particular disclosure on legitimate interests to the extent required for the above-mentioned purposes. This concerns for example
- ensuring uniform applicant management and quality standards within our company / the companies belonging to our group of companies and
- the passing on to legal representatives working for us.

2.7 Legal or contractual obligation to provide the data
There is no obligation to provide data in the application process.

2.8 Requirement of the provision of data for conclusion of a contract
The data collected by us are mandatory for the proper conduct of a selection procedure.

2.9 Other obligation to provide the data
There is no other obligation to provide data.

2.10 Possible consequences of not providing data
If you do not provide the necessary data, participation in the selection procedure is not possible.

2.11 Presence of automated decision-making (including profiling)
We do not use any automated supervision or evaluate systems.

III. Forwarding and other countries

3.1 Recipients or categories of recipients of the personal data
The data collected by us will be forwarded to other recipients and third parties as well under consideration of the statutory provisions. These specifically are:

Internal recipients:
- Management
- Accounting/ Bookkeeping (internal)
- Department manager/ employees

External recipients:
- Lawyers and legal representatives
- Accounting/ bookkeeping (external)
- Quality Management (external)
- Financial institution
- Insurance companies
- External data processors (contract processors)

External data processors may be from the areas of archive, maintenance and care for EDP systems or the company website or marketing. These usually are contract processors within the meaning of sect. 4 no. 10 GDPR, so that processing of the data through them does not constitute transmission within the meaning of sect. 4 no. 2 GDPR.

3.2 Intention of the controller to transmit personal data to a third country or an international organisation
Such transmission is not intended.

3.3 Presence or absence of a commission decision on appropriateness
Not applicable.

3.4 Reference to suitable or appropriate safeguards
Not applicable.

IV. Your rights

4.1 You as the data subject have various rights under the General Data Protection Regulation. These are
- the right to access to the data concerning you that are stored by us (sect. 15 GDPR)
- the right to rectification of incorrect data (sect. 16 GDPR)
- the right to erasure of the data if there is no legal basis for continued storage (sect. 17 GDPR)
- the right to restriction of processing of the data to specific purposes (sect. 18 GDPR)
- the right to data portability (sect. 20 GDPR) and
- the right to object to processing of your data (sect. 21 GDPR).

If processing of your data is based on consent (see item 2.5 lit. a), you have the right to withdraw your given consent at any time. The legality of the processing taking place based on given consent until the withdrawal is not affected by the withdrawal.

Again we expressly point out that it might happen that in some cases the processing could be based on several legal bases applicable side by side. In such a case, we reserve the right to base the processing on another legal basis, even in the event of revocation of consent. We will inform you accordingly in the event of revocation of consent.

Separate information about the right to object under Article 21 GDPR
According to Article 21 (1) of the GDPR, you have the right at any time, for reasons arising from your particular situation, to object to the processing of personal data relating to you pursuant to Article 6 (1) (f) of the GDPR (processing to safeguard the le-gitimate interests of the responsible entity or a third party).
If you object, we will no longer process your personal data, unless we can demon-strate compelling legitimate grounds for processing that outweigh your interests, rights and freedoms, or the processing is for the purpose of asserting, exercising or defence of legal claims.
If the processing is to operate direct mail, you have the right, under Article 21 (2) GDPR, to object at any time to the processing of personal data relating thereto for the purpose of such advertising; this also applies to the profiling, as far as it is associated with such direct mail.
In addition to this, you have the right to complain to a supervisory authority in accordance with sect. 77 GDPR if you believe that processing of the data concerning you violates provisions under data protection law. The supervisory authority relevant for us is:

The State Data Protection and Freedom-of-Information Officer
Mecklenburg-Vorpommern
Schloss Schwerin, Lennéstraße 1,
19053 Schwerin
Phone: +49 385 59494 0
Fax: +49 385 59494 58
eMail: info@datenschutz-mv.de
web: www.datenschutz-mv.de;
www.informationsfreiheit-mv.de
https://www.datenschutz-mv.de/kontakt/kontaktformular/

4.2 Finally, you have the right to contact our data protection officer at any time. He is obligated to confidentiality regarding your query where processing of your data is concerned.
You can reach our data protection officer under the contact details named in item 1.3.

Date of publication 17th August 2020: Update of our privacy policy

On the basis of the decision of the European Court of Justice of 16th of July 2020, we hereby inform our customers, business partners, employees, website visitors and other communication partners that it may not be possible to maintain an adequate level of data protection comparable to that required by EU regulations when using US service providers such as Amazon, Asana, Facebook, Google, MailChimp, Twitter, TeamViewer, YouTube, etc. and their respective european subsidiaries within the scope of communication. Due to national laws, a non-european provider may be forced by national law to surrender communication data to national security authorities without the possibility of such surrender being reviewed for its legality in an independent judicial procedure at the request of the data subject. Since this finding of the court also applies to companies based and processing data in Europe under the so-called EU-US Privacy Shield, as well as the Standard Contractual Clauses and the Binding Corporate Rules, we must now examine all data transfers to third-party providers on a case-by-case basis and, if necessary, discontinue them or replace them with EU-based providers. We are currently in discussions with our service providers and the supervisory authorities.