

Data protection – information concerning the processing of personal data
within the context of the appointment procedure or employment

This document provides information pursuant to Article 13 General Data Protection Regulation (GDPR) concerning the collecting of personal data within the context of the appointment procedure and employment at Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU).

1. Data controller:

Friedrich-Alexander-Universität
Erlangen-Nürnberg

Postal address: Schlossplatz 4, 91054 Erlangen, Germany
Phone: + 49 9131 85
Fax: + 49 9131 8526646
E-mail: [@fau.de](mailto:>@fau.de)

2. Our data protection officer can be reached as follows:

Data protection officer of
Friedrich-Alexander-Universität
Erlangen-Nürnberg

Postal address: Schlossplatz 4, 91054 Erlangen, Germany
Phone: + 49 9131 8525860
Fax: + 49 9131 8570239
E-mail: datenschutzbeauftragter@fau.de

3. Data are collected in order to be able to check whether the requirements for being employed in the public service are met. For this purpose, you are asked to submit declarations and/or provide information as follows:

- Questionnaire to check loyalty to the constitution, declaration on loyalty to the constitution and if applicable consent for us to request the necessary information from the State Office for the Protection of the Constitution and the Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic (cf. form A1013)
- Questionnaire about affiliation to the Scientology organisation (cf. Form A1014)
- Declaration on any previous criminal record (cf. form A1016)

If your career to date means that personnel files are already available for you in the public sector, these will be requested for inspection.

In the case of a fixed term public service contract, a probationary public service contract or a permanent public service contract, regulations governing the public service require a medical examination in order to check that health requirements are met. In the case of fixed term public service contracts, this examination can be conducted either by the occupational medical service at FAU or an official medical examiner from the health authorities responsible for such cases. In the case of a probationary or permanent public service contract, the medical examination has to be conducted by an official medical examiner from the health authorities responsible for such cases.

Depending on the particular health demands in your area of work, a medical examination may be required before you can be appointed to a position in this field. We shall request a doctor from the occupational medical services or an official medical examiner from the health authorities to conduct this examination.

The doctor/authorities requested to carry out the examination will forward a certificate confirming that the necessary health requirements for working in the intended area are met. The doctor/authorities charged with conducting the examination will ask you to consent to the certificate issued on the basis of the health examination being forwarded to us.

On the basis of the data forwarded to us, we will check whether the requirements for being appointed to a position at FAU have been met. If you are appointed, other personal data will be processed within the context of the employment relationship, to the extent required in order to meet contractual and statutory employer obligations as well as for implementing organisational, personnel and social measures, in particular with regard to staff administration or human resources management. We will create a personnel file for you.

The legal basis for collecting and processing data within the context of your appointment and employment are Art. 6 (1)(1)(b), (c) and (e) GDPR, Art. 9 (2)(b) and (h) GDPR, Art. 88 (1) GDPR, Art. 8 (1)(1)(2) and (3) Bavarian Data Protection Act (BayDSG), Section 611 German Civil Code (BGB), Section 3 (5) TV-L, Section 3 (5) TV-Ärzte, Section 3 (5) TV-Forst, Section 4 TVA-L BBiG, Section 4 TVA-L Pflege, Section 4 TV-Prakt, Art. 103 and 111 Bavarian Public Service Code (BayBG); in the case of positions in the transport service, Section 31 (2) Road Traffic Regulations (StVZO), Section 11 (9) in conjunction with Appendix 5 German Driving Licence Regulations (FeV), Section 12 in conjunction with Appendix 6 (2) FeV.

4. Your personal data will be forwarded by the human resources department to the following external agencies, if applicable:
- Occupational medical service or official medical officer or other health services charged with checking whether health requirements are met
 - Former place of employment to request any existing personnel files
 - Public prosecutor's office or criminal court in the case of any criminal investigations
 - State Office for the Protection of the Constitution and the Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic, if necessary in order to check loyalty to the constitution in the public service
 - Funding bodies
 - Other state or local authorities acting on behalf of the state in order to fulfil statutory requirements under special legislation

In order to obtain the information required from third parties, the respective external parties are forwarded your personal contact data and informed that you are intending to take up a position at FAU.

If you are appointed, FAU will forward your personal data to the extent necessary within the context of your employment to the following external agencies:

- Landesamt für Finanzen (State Finance Office), responsible for calculating and paying salary
- Personal data is processed in further IT systems at FAU, in particular as part of authentication processes and to determine access rights
- Personal data are processed in the electronic address book / telephone directory and CEUS
- If you are to be employed in projects funded by third parties, personal data will be forwarded to the funding provider (e.g. DFG), or possibly external auditors, if so required on the basis of funding guidelines.

If you qualify as being disabled or are deemed to be treated as such within the context of the appointment procedure, your personal data will also be forwarded to the following external agencies:

Every year, the department responsible for managing staff forwards a list containing the personal data of all staff employed in their area who are classed as being disabled or who are to be treated as such to the highest administrative authorities. According to Section 154 (2)(2) German Social Security Code IX (SGB IX), these authorities are responsible for meeting statutory obligations pursuant to Section 163 (2) SGB IX (including forwarding the list to the Federal Employment Agency).

If your personal data are processed and saved electronically, the data processing systems we use are operated by the state computer centres and the State Finance Office, acting in the capacity of processors.

5. The processing of your personal data (saving, deleting and destroying) within the context of the employment relationship is governed by Section 611 BGB and Article 103 et seq. BayBG (particularly Article 110 BayBG), as well as the specific regulations stipulated by the European Commission pursuant to the funding agreement.
6. We would also like to inform you of your existing rights under the GDPR.
- If your personal data are processed, you are entitled to receive information about which data concerning you have been stored (Art. 15 GDPR, Section 3 (6) TV L, Section (3)(6), TV-Ärzte, Section 3 (6) TV-Forst, Section 6 (1) TVA-L BBlG, Section 6 (1) TVA-L Pflege, Section 6 TV-Prakt, Art. 107 BayBG).
 - If incorrect personal data are processed, you are entitled to a right to rectification (Article 16 GDPR).
 - If the legal requirements are met, you can request that your data are erased, ask for processing to be restricted or file an objection to processing (Art. 17, 18 and 21(1) GDPR).
 - Furthermore, you are also entitled to file an objection with the Bavarian Data Protection Officer. They can be reached as follows:

Bayerische Landesbeauftragter
für den Datenschutz (BayLfD)
Wagmüllerstraße 18
80538 Munich

Postal address: Postfach 22 12 19, 80502 München
Phone: 089 212672-0
Fax: 089 212672-50
E-mail: poststelle@datenschutz-bayern.de
Internet: www.datenschutz-bayern.de

If you exercise the rights stated above, FAU will check whether the statutory requirements for doing so have been met.

The Human Resources Department of Friedrich-Alexander-Universität Erlangen-Nürnberg