

# Data protection information for applicants

## in accordance with Art. 13 and 14 of the General Data Protection Regulation (GDPR)

Data protection is important to us. The following information explains how we use your personal data and outlines your rights.

### 1. Entity responsible for data processing and contact person

Gimmi GmbH  
Carl-Zeiss-Straße 6  
78532 Tuttlingen

CEO: Dr. Matthias Schmidt

E-Mail: [contact@gimmi.de](mailto:contact@gimmi.de)

### 2. Contact details of the Data Protection Officer (DPO)

Bernd Knecht  
Rotdornweg 7  
73230 Kirchheim /Teck

E-Mail: [datenschutz@gimmi.de](mailto:datenschutz@gimmi.de)

### 3. Purpose and legal basis on which we process personal data

We process all personal data in accordance with the provisions of the General Data Protection Regulation (GDPR), the Data Protection Adaptation and Implementation Act (EU DSAnpUG-EU) and other relevant data protection regulations. Our contract documents, forms, consent forms and other information provided to you (e.g. on our website) contain further details and more information on why we collect data in those specific instances.

#### 3.1 Consent (Art. 6 para. 1 (a) GDPR)

If you have consented to the processing of personal data, this consent will form the legal basis on which this data will be processed in that specific instance. You have the right to withdraw this consent at any time with future effect.

#### 3.2 Performance of contractual duties (Art. 6 para. 1 (b) GDPR)

We will process your personal data for the purpose of processing your application. This processing may involve electronic data processing methods. This will be the case in particular if you have submitted your application documents electronically, such as by email or through a contact form on a website.

#### 3.3 Compliance with legal obligations (Art. 6 para. 1 (c) GDPR)

We process your personal data where required for compliance with a legal obligation.

#### 3.4 Legitimate interests pursued by us or a third party (Art. 6 para. 1 (f) GDPR)

We may furthermore use your personal data where necessary based on a weighing of interests to pursue our or a third party's legitimate interests. We may do so for the following purposes:

- as part of a visitor registration in connection with a personal visit to our premises.
- for the communication with recruitment agencies and headhunters, if they are involved in the application process
- for the enrichment of data by information freely available on the Internet i.e. social media platforms. In addition, we use your data to obtain information and exchange data with credit

agencies if the signing of the contract entails a correspondingly high economic risk for our company

- for storing limited amount of your data if it is not possible to delete this data because of the particular way it has been stored or if deleting it (e.g. from an email archive) would require disproportionate expense
- for enforcing legal claims and as evidence in legal disputes that are not directly related to our contractual relationship with you.

#### **4. Categories of personal data we process**

We process the following data:

- Personal details (name, job title/position in company/sector and similar information)
- Contact details (address, email address, telephone number and similar information)
- Application documents (such as, e.g. CV, certificates, certificates of professional competence, references)
- All of the information you provide to us in relation to your application

#### **5. Who will get to see your data?**

Within our company, we only provide your personal data to those divisions that need this data in order to fulfil our contractual and legal obligations or to pursue our legitimate interests. These divisions and individuals primarily constitute the management board, head of departments, department managers and team leaders. In exceptional cases, we may also involve team members in the selection process.

In addition to those, your information may also be passed on to the following:

- The processor employed by us (Art. 28 GDPR), service providers who provide associated services and other persons responsible in the meaning of the GDPR, in particular in the areas of IT services, logistics, courier services, printing services, external data processing centers, IT application support/maintenance, archiving, document processing, accounting and controlling, data destruction, purchasing/procurement, customer management, mailing services, marketing, telephony, website management, tax accountancy, auditing services, credit institutions
- The owner(s) of the company
- Public authorities and institutions if there is a legal or official requirement to provide, report or pass on information or if it is in the public's interest to disclose information
- Bodies and institutions on the basis of our or a third party's legitimate interest (e.g. authorities, credit agencies, debt collection agencies, lawyers, courts, experts and supervisory bodies)
- Other bodies that you have authorized us to provide with your data

#### **6. Transfer of personal data to a third country or international organization**

We work with standard software from Microsoft Inc. and it is not excluded that information may be stored and processed on Microsoft servers located outside the EU or the EEA. The processing is nevertheless allowed on the basis of an adequacy decision by the EU in connection with the certification under the EU-U. S. Privacy Shield Framework. In addition, there are so-called standard contractual clauses for the use of Microsoft Business Cloud Services, which allow appropriate data processing.

We may also provide personal data to our parent company VITALMEX in Mexico. Such data will be transferred / processed on the basis of a standard EU contract signed by both parties.

We do not currently process any personal data outside the EU or EAA apart from the above unless authorized to do so.

#### **7. How long we'll keep your information?**

If the entity responsible for processing an application enters into an employment contract with an applicant, the data provided will be stored for the purpose of the performance of the employment relationship taking into account the legal regulations. If the entity responsible for processing an

application does not enter into an employment contract with an applicant, the application documents will be erased six months following the announcement of the candidate rejection provided.

An erasure does not impact on any other legitimate interests of the entity responsible for processing. Within this context, other legitimate interests may, for example, constitute the burden of proof in proceedings pursuant to the General Equal Treatment Act (AGG).

## **8. To what extent do you use automated individual decision-making (including profiling)?**

We do not use any purely automated decision-making processes in accordance with Article 22 GDPR. Should we ever make use of such processes in individual cases, you will be notified of such separately if legally required.

## **9. Your data protection rights**

### **9.1 Information**

You have the right to ask us for information on whether or not we hold information on you. If we hold personal information on you and provided we are not prohibited from providing you with the following information by law (e.g. because of legal regulations), you have the right to obtain information on the following:

- The purpose for which we are processing your personal data
- What categories of your personal data we are processing
- The recipients or categories of recipients to which we are disclosing your personal data, in particular if recipients are based in third countries
- If possible, the scheduled storage period for your personal data or, where such is not possible, the criteria used to determine the storage period
- The existence of a right to rectification or erasure or restriction of the processing of your personal data or the right to object to such processing
- The existence of a right to lodge a complaint with a supervisory authority (Data Protection Authority)
- Information available about the data's source if the personal data has not been provided by you as the person affected
- Where relevant, the existence of automated decision-making including profiling and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such automatic decision-making
- Information on the appropriate safeguards provided to protect the personal data pursuant to Art. 46 para. 2 GDPR in cases where personal data are transferred to a third country, unless the European commission has passed a decision concerning the adequacy of the level of protection pursuant to Art. 45. para. 3 GDPR.

### **9.2 Rectification and completion of data**

If you become aware of the fact that the personal data we hold on you is inaccurate, you have the right to demand the immediate rectification of the inaccurate data. If your data is incomplete, you have the right to demand to have your personal data completed.

### **9.3 Erasure**

You have the right to demand the erasure of your personal data ('right to be forgotten'), provided that the processing is not necessary for exercising the right of freedom of expression and information or for compliance with a legal obligation or for reasons of public interest and if one of the following reasons applies:

- The personal data are no longer necessary in relation to the purposes for which they were processed
- You have withdrawn your consent on which the processing is based and there is no other legal ground for the processing
- You have objected to the processing of your personal data that we have made public

- You have objected to the processing of personal data that we have not made public and there are no overriding legitimate grounds for the processing
- Your personal data have been unlawfully processed
- Your personal data have to be erased for compliance with a legal obligation to which we are subject

You do not have the right to demand erasure if the data has been legally processed using a manual method and if its erasure would require disproportionate expense because of the particular way it has been stored and is of little consequence to you. In this event, we will restrict the processing of the personal data in question.

#### **9.4 The right to restriction of processing**

You have the right to demand the restriction of the processing of your personal data for any of the following reasons:

- You contest the accuracy of the personal data. In that case, the restriction can be demanded for the period that enables us to verify the accuracy of the personal data.
- The processing is unlawful and you oppose the erasure of your personal data and request the restriction of their use instead
- We no longer need the personal data for the purposes of the processing, but you require them for the establishment, exercise or defense of legal claims
- You have objected in accordance with Art. 21 para. 1 GDPR. You have the right to demand the restriction of processing for the period pending the verification whether our legitimate grounds override your grounds.

Restriction of processing means that your personal data will only be processed with your consent or for the establishment, exercise or defense of legal claims or the protection of another natural or legal person or for reasons of major public interest. We have a legal obligation to notify you of the removal of the restriction.

#### **9.5 Data portability**

You have the right to data portability provided the processing is based on your consent (Art. 6 para. 1 (1a) or Art. 9 para. 2 (a) GDPR) or a contract to which you are a party and the processing is carried out with the aid of automated procedures. In this case, the right to data portability comprises the following rights provided such does not impinge on the rights and freedoms of other individuals: You have the right to demand to receive your personal data that you have provided us in a structured, commonly used and machine-readable format. You have the right to have the data transmitted to another responsible person without hindrance on our part. Where technically feasible, you have the right to demand to have your personal data transmitted directly to another responsible person.

#### **9.6 Right to object**

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning yourself which is based on Art. 6 para. 1 (1e) GDPR (performance of a task carried out in the public interest or in the exercise of official authority) or Art. 6 para. 1 (1f) GDPR (legitimate interest pursued by the controller or a third party). This includes profiling based on the provisions of Art. 6 para. 1 (1e or 1f) GDPR. If you exercise your right to object, we will no longer process your personal data unless we are able to provide compelling and legitimate reasons for the processing that override your interests, rights and freedoms or if the data is being processed for the establishment, exercise or defense of legal claims.

We may also process your personal data for direct marketing purposes. If you do not wish to receive any promotional materials, you can object to the processing of your personal data for direct marketing purposes at any time. This also applies to any profiling that is directly linked to such direct marketing. If you exercise your right to object to direct marketing, we will no longer use your personal data for direct marketing purposes.

You can exercise your right to object by telephone, email, fax or by sending us an informal letter to our company's postal address as specified at the beginning of this data policy.

### **9.7 Withdrawing consent**

You have the right to withdraw your consent at any time with future effect. You can exercise your right to withdraw consent by telephone, email, fax or by sending us an informal letter to our company's postal address. Withdrawing consent does not affect the lawfulness of the data processing which is based on consent until the receipt of the withdrawal. Following receipt of the withdrawal, we will cease data processing which was based solely on your consent.

### **9.8 Complaints**

If you consider the processing of your personal data unlawful, you can lodge a complaint with a supervisory authority that is responsible for your place of residence or work or for the place of the suspected infringement. The supervisory authority responsible for us is:

The State Commissioner for Data Protection and Freedom of Information  
Königstrasse 10 a  
70173 Stuttgart, Germany

### **10. Scope of the data you are required to provide**

You are only required to provide us with the data required for the application process. Without these data, we are generally unable to enter into an employment contract with you. Should we ever request any data in excess of this essential data, we will specifically make you aware of the fact that provision of such data is voluntary.

### **11. Date and last update of this data policy**

This data policy is dated 22<sup>nd</sup> April 2020. We reserve the right to update this data policy in due course in order to improve data protection and/or to adapt it to changes in administrative practice or jurisdiction.