

Privacy Policy for Applicants (f/m/d)

medisana GmbH
Carl-Schutz-Str. 2
41460 Neuss

Filename:	800.600 - Data policy for applicants - 1.3 medisana	Date:	03.07.2024	Version:	1.3
Responsible	Data protection coordinator Andreas Pistner	Last change:	22.07.2024	Status:	
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Preliminary Note

This "Privacy Policy for Applicants" was created for Medisana GmbH. The document contains the legal requirements of the General Data Protection Regulation (GDPR), which has been applicable in all EU member states since 25 May 2018, as well as the new Federal Data Protection Act (BDSG), which also entered into force on that date.

Privacy Policy for Applicants (f/m/d)

Information on the Processing of Your Data as an Applicant (f/m/d)

1. Name and Address of the Controller

Medisana GmbH
Carl-Schurz-Str. 2
41460 Neuss
Germany

Commercial Register: Local Court Neuss
HRB 16348
VAT ID: DE123375019

2. HR Department Contact

Mr. Mark Dittrich
Email-Adress: jobs@medisana.com

3. Data Protection Officer

Appointed as external Data Protection Officer:

Mr. Stefan Kleinermann
at Kleinermann & Sohn GmbH
Max-Planck-Str. 9
52499 Baesweiler
dsb@das-datenschutz-team.de

4. Competent Supervisory Authority for Oversight and Enforcement of Data Protection Law

The State Commissioner for Data Protection North Rhine-Westphalia
Kavalleriestraße 2–4
40213 Düsseldorf

5. Purpose of Data Collection, Processing, or Use

As part of the application process, we would like – before you decide in our favour and we decide in yours – to get to know each other. Your application documents, which you submit to us in written or text form, are intended to serve as the basis for this. During a personal meeting, we would like to find out more about each other. The purpose of this data collection is to make a well-founded decision for a long-term collaboration.

We use the HR and applicant management software provided by HRworks GmbH, Waldkircher Str. 28, 79106 Freiburg. "HRworks" provides software for processing applicant data and

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processes the data on our behalf. We have concluded a corresponding data processing agreement pursuant to Art. 28 GDPR with the provider.

All personal data you provide, including data contained in any attachments you submit, will be processed by us exclusively for the purpose of your application in our electronic HR and applicant management software "HRworks".

Data transmitted in connection with your application is stored on a server within the European Union and is encrypted during transmission. No transfer to third parties takes place. The legal basis for this is Art. 88 GDPR in conjunction with Art. 6(1)(b) GDPR in conjunction with § 26(1) BDSG.

Furthermore, the use of HR and applicant management software by Medisana GmbH is in its legitimate interest pursuant to Art. 6(1)(f) GDPR. If consent within the meaning of Art. 6(1)(a) GDPR is required for a specific processing activity, this will be obtained separately and transparently, unless it results from the transparency requirement through a clear and voluntary action on your part, such as voluntary participation in a video interview.

6. Legal Provisions on Data Protection

Pursuant to Art. 88(1) GDPR in conjunction with § 26(1)(1) BDSG, the collection of data necessary for establishing an employment relationship is permitted. If you voluntarily provide us with data beyond what is necessary, data protection law allows this within the framework of consent under Art. 6(1)(a) GDPR.

We ensure that your personal data is processed in a manner that guarantees its protection. The data is processed by electronic means as well as in paper form. We adhere to security standards to protect your privacy and guard against the risk of unauthorised access. We have implemented extensive technical and organisational measures to protect the data you provide against loss, manipulation, destruction, and unauthorised access. Our security measures are continuously improved in line with technological developments and legal requirements.

7. Personal Data

You determine the scope of the data you wish to transmit to us as part of your application. During the application process, we process data that you make available to us. This may include contact details and all data related to the application (CV, references, qualifications, answers to questions, etc.). The legal basis for this is Art. 88(1) GDPR in conjunction with § 26 BDSG.

Special categories of personal data (information on racial and ethnic origin, political opinions, religious and philosophical beliefs, trade union membership, health or sexual life, biometric or genetic data) are not intentionally collected by us during the application process. Accordingly, we ask you not to include any such information in your application.

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Where we do not collect your personal data directly from you and you have an active profile on a job board (e.g. Federal Employment Agency, Indeed, Xing, Stepstone, Monster, etc.), or you disclose an inactive or only partially active profile to us during the application process, we may also collect personal data via these platforms.

8. Data Accuracy

You must ensure that the personal data you provide is truthful, correct, and up to date. You may not apply on behalf of third parties. If you infringe third-party rights by using texts, photos, or graphics, you may be held liable.

9. Obligation to Provide Personal Data

The provision of personal data is neither legally nor contractually required. You are therefore not obliged to share your data with us. However, the application process cannot be carried out without certain personal data. This means that if you do not provide us with the required personal data in connection with your application, we will be unable to process your application and, in due course, enter into an employment relationship with you.

10. Data Subject Rights

As a data subject, you have the following rights under the GDPR, among others (hereinafter also referred to as "data subject rights"):

Right of Access (Art. 15 GDPR)

You have the right to request information on whether we process personal data about you or not.

The first copy is free of charge; a reasonable fee may be charged for additional copies. A copy can only be provided to the extent that the rights of other persons are not thereby affected.

Right to Rectification (Art. 16 GDPR)

You have the right to request that we correct your data if it is inaccurate and/or incomplete. This right also includes the right to have data completed by means of supplementary statements or notifications.

Right to Erasure of Personal Data (Art. 17 GDPR)

You have the right to request that we erase your personal data if:

- the personal data is no longer necessary for the purposes for which it was collected and processed;
- processing was based on consent you have granted and you have withdrawn that consent; this does not apply, however, if another legal basis for processing exists;

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- you have objected to processing whose legal basis lies in so-called "legitimate interests" (pursuant to Art. 6(1)(e) or (f) GDPR); erasure need not take place, however, if overriding legitimate grounds for continued processing exist;
- you have objected to processing for the purpose of direct marketing;
- your personal data was processed unlawfully;
- it concerns data of a child collected for information society services (= electronic services) on the basis of consent (pursuant to Art. 8(1) GDPR).

A right to erasure of personal data does not exist if:

- the right to freedom of expression and information prevails over the request for erasure;
- the processing of personal data is required
- to fulfil a legal obligation (e.g. statutory retention obligations),
- to perform tasks in the public interest and public interests under applicable law (including "public health"), or
- for archiving and/or research purposes;
- the personal data is required for the establishment, exercise, or defence of legal claims.

Where personal data has been made public by us (e.g. on the internet), we are required, within the bounds of what is technically possible and reasonable, to ensure that other data processors are also informed of the request for erasure, including the deletion of links, copies, and/or replications.

Right to Restriction of Processing (Art. 18 GDPR)

You have the right to request the restriction of processing of your personal data in the following cases:

- If you have contested the accuracy of your personal data, you may request that your data not be used for other purposes for the duration of the verification and that processing be restricted accordingly.
- In the case of unlawful processing, you may request restriction of data use instead of erasure;
- If you require your personal data for the establishment, exercise, or defence of legal claims but we no longer require it, you may request that processing be restricted to those purposes;
- If you have lodged an objection to processing (pursuant to Art. 21(1) GDPR) and it has not yet been determined whether our interests in processing override yours, you may request that your data not be used for other purposes for the duration of the review and that processing be restricted accordingly.

Personal data whose processing has been restricted at your request may – subject to storage – only be processed:

- with your consent,
- for the establishment, exercise, or defence of legal claims,
- for the protection of the rights of another natural or legal person, or

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- for reasons of important public interest.

Should a restriction on processing be lifted, you will be informed in advance.

Right to Data Portability (Art. 20 GDPR)

You have the right to receive the data you have provided to us in a commonly used electronic format (e.g. as a PDF or Excel document).

You may also request that we transmit this data directly to another (specified) company, where this is technically feasible for us.

The prerequisites for this right are that:

- the processing is carried out on the basis of consent or for the performance of a contract and is carried out by automated means;
- the exercise of the right to data portability does not adversely affect the rights and freedoms of other persons;

If you exercise the right to data portability, you continue to have the right to erasure pursuant to Art. 17 GDPR.

Right to Lodge a Complaint (Art. 77 GDPR)

You have the right to lodge a complaint with a supervisory authority. You may contact the supervisory authority at your place of habitual residence, your place of work, or our registered office (The State Commissioner for Data Protection North Rhine-Westphalia).

Right to Object (Art. 21 GDPR)

You have the right, on grounds relating to your particular situation, to object at any time to the processing of personal data concerning you that is carried out on the basis of a balancing of interests (Art. 6(1)(f) GDPR). This is particularly the case where processing is not necessary for the performance of a contract. If you exercise your right to object, we ask you to state your reasons. We will then no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing that override your interests and rights. Please direct your objection to the contact address of the controller stated above.

Right to Withdraw Consent (Art. 7(3) GDPR)

You have the right to withdraw your consent to the processing of your data at any time. Withdrawal of consent does not affect the lawfulness of processing carried out on the basis of your consent prior to its withdrawal.

Exercising Data Subject Rights

To exercise your data subject rights, please contact the responsible party listed above. Requests submitted electronically will generally be answered electronically. Information, communications, and measures relating to the exercise of data subject rights are generally provided free of charge. A reasonable fee may be charged for processing, or action may be refused, only in the case of manifestly unfounded or excessive requests (Art. 12(5) GDPR).

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If there is reasonable doubt about your identity, we may, for the purpose of identification, request additional information from you. If identification is not possible, we are entitled to refuse to process your request. You will –where possible – be notified separately if identification is not possible. (see Art. 12(6) and Art. 11 GDPR).

Requests for information are generally processed without delay, within one month of receipt. The period may be extended by a further two months where necessary, taking into account the complexity and/or number of requests; in the event of an extension, you will be informed within one month of receipt of your request of the reasons for the delay. If we do not act on a request, we will inform you without delay within one month of receipt of the request of the reasons for this and advise you of the possibility of lodging a complaint with a supervisory authority or seeking judicial redress. (see Art. 12(3) and (4) GDPR).

Please note that you may only exercise your data subject rights within the limits and restrictions provided for by Union or Member State law. (Art. 23 GDPR)

11. Recipients or Categories of Recipients of the Data

Your data will not be disclosed to unauthorised third parties in the context of applicant management and will be processed only for the purposes stated in this privacy policy. Access by internal departments and specialist staff at Medisana GmbH is in the company's legitimate interest to the extent that knowledge of the application data is necessary and permissible for applicant selection or internal administrative purposes of Medisana GmbH. The legal basis is Art. 88 GDPR in conjunction with § 26(1) BDSG, Art. 6(1)(f) and (a) GDPR.

Disclosure to external third parties may also occur for the defence of legal claims on the basis of legitimate interests, or in the context of investigations by or disclosure to public authorities, where required by law or where a disclosure obligation exists. Information obligations towards data subjects pursuant to Art. 13 and 14 GDPR will be fulfilled prior to any such disclosure, to the extent these are to be fulfilled separately.

12. Transfer of Data to Third Countries

Transfers of data to third countries are not planned and only arise within the framework of existing contractual requirements, necessary communications, and other exceptions expressly provided for in Articles 44–49 GDPR. No further transfers to third countries currently take place.

13. Duration of Data Storage / Standard Deletion Deadlines

We store your data for as long as we need it to fulfil the purposes described in section 5. No later than six months after a decision has been made, paper documents will be returned or digital documents deleted. This period is established to provide protection against claims under the General Equal Treatment Act (AGG). However, statutory provisions (e.g. the German Fiscal Code, § 147) may require us to retain certain documents for six or ten years respectively. Once the retention period has expired, data that is no longer required will be deleted.

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As part of your application, you have the option to put yourself forward for our talent pool. The processing is necessary so that you can be automatically considered for further job postings, including similar or otherwise suitable positions. Your voluntary consent is required for this, which you can grant by ticking the checkbox in the application form. Inclusion in the talent pool is entirely voluntary and subject to your consent. The legal basis is Art. 6(1)(a) GDPR. The data will – subject to withdrawal of your consent – be retained for 12 months and then automatically deleted.

14. Social Share Button

It is possible to share our job advertisements via "HRworks" on various social networks. Different buttons are provided for each network. Clicking one of these buttons will redirect you to the relevant network, where you will reach the network's login page. These buttons are not plug-ins and do not transfer personal data directly to the operators of the social networks.

To share our job advertisements on one of these social networks, you require an account (profile) with the provider. The provider's own privacy notices apply.

Job advertisements can currently be shared on the following social networks:

- Facebook (<https://de-de.facebook.com/privacy/explanation>)
- "X" (ehemals Twitter) (<https://x.com/de/privacy>)
- LinkedIn (<https://www.linkedin.com/legal/privacy-policy?trk=uno-reg-join-privacy-policy>)
- Xing (<https://privacy.xing.com/de/datenschutzerklaerung>)

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