

INFORMATION OBLIGATION WITH THE COLLECTION OF PERSONAL DATA ACCORDING TO THE GENERAL DATA PROTECTION REGULATION

Within the scope of the processing of application proceedings to JKU

The Johannes Kepler University of Linz (hereinafter "JKU") informs you below about the processing of your personal data (more precisely: personal data that refer to you) within the meaning of Art. 4 Subclause 1 General Data Protection Regulation (hereinafter "GDPR"), which the applicable data protection law serves to protect¹. Under processing within the meaning of Art. 4 Subclause 2 GDPR, is in particular the collection, recording and storage of personal data with or without the aid of automated (technical) processes.

I. Entry of the contact data:

The controller of the data processing described below within the meaning of Art. 4 Subclause 7 GDPR is Johannes Kepler University of Linz (JKU), Altenberger Straße 69, 4040 Linz, datenschutz@jku.at.

The data protection officer within the meaning of Art. 37 GDPR can be contacted at Johannes Kepler University of Linz (JKU), Data Protection Unit, Altenberger Straße 69, 4040 Linz, datenschutz@jku.at.

II. Background of the processing / statement of the purpose, for which the personal data are to be processed / legal basis of the processing / recipients of the personal data:

1. JKU processes the personal data contained in the application documents transmitted by you - via the online portal² or directly to our personnel management respectively the responsible organisation unit - as well as the entire application correspondence for the purpose of the execution, administrative processing and assessment of the application process with you as well as the assertion, exercising respectively defence of possible legal claims.

If applicable, JKU shall use external recruitment agencies respectively service providers for the execution, administrative processing and assessment of application processes. In this case, your personal applicant data, - documents and correspondence, namely in particular contact and master data, certificates and references, curriculum vitae as well as images, will initially be collected by our contractor and after a pre-selection by comparing your applicant profile with the requirements of the advertised position - in the event of a positive assessment - for the continuation and ending of the application procedure will be forwarded to JKU.

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Individuals with regard to the Processing of Personal Data, on the Free Movement of such Data and Repealing Directive 95/46/EC (**GDPR**); Austrian Federal Act on the Protection of Individuals with regard to the Processing of Personal Data (**DPA**), Federal Law Gazette ("BGBl.") I No. 165/1999 as last amended by BGBl. I No. 14/2019; Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the Protection of Individuals with regard to the Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Crime or the Execution of Criminal Penalties, as well as on the Free Movement of such Data, and Repealing Council Framework Decision 2008/977/JHA (**The Data Protection Directive for Justice and Home Affairs**), implemented in Sections 36-61 of the DPA.

² jku.at/bewerbung.

2. The legal basis for the processing of your personal data is **Art 6 Para. 1 lit. b and f GDPR**.

The processing of your personal data is necessary to carry out pre-contractual measures respectively this is carried out on the basis of the initiation of a contract. The data processing is moreover necessary to safeguard legitimate interests of JKU in the proper (lawful) administration, organisation and processing of the application process with you and for the assertion, exercising respectively defence of possible legal claims.

No obligation exists for provision with regard to those data, which JKU collects directly from you. A non-provision of the data, in particular those, which are necessary for assessing your qualification and suitability, will however lead to your application not being taken into consideration in the application procedure.

If the application documents transmitted to you also contain sensitive data³, the legal basis for the processing of these personal data is based on your explicit consent pursuant to **Art 9 Para. 2 lit. a GDPR**. For the assertion, exercising respectively defence of possible legal claims, these transmitted data can however also be processed without your consent pursuant to **Art 9 Para. 2 lit. f GDPR**. **We would explicitly like to point out that the transmission of sensitive data is not necessary for the consideration of your application in the selection procedure and is therefore not requested by JKU.**

Pursuant to Art. 7 Para. 3 GDPR you have the right, without stating any reasons, to exercise your right of revocation and to change the granted consent with effect for the future or to revoke it in full by post by using the contact data cited under Point I. or by email to datenschutz@jku.at. The lawfulness of the processing of your personal data carried out based on the consent until the revocation will not be affected by the revocation of your consent.

3. Recipients of the personal data are exclusively the organisation units of JKU that are required for the corresponding processing of the application process, in particular the HR Management department, in addition the Working Group on Equal Treatment (AKG), if and as far as this is necessary for performing the tasks assigned to it by law as well as possible data processors deployed within the scope of the technical support, hosting, maintenance and administration, such as e.g. Infoniqa Österreich GmbH, Dragonerstraße 67, 4600 Wels, insofar as an access by these parties to personal data cannot be excluded by technical and organisational measures and, if applicable, recruitment agencies respectively service providers. For the assertion, exercising respectively defence of legal claims, your personal data may also be forwarded to courts, authorities as well as legal representatives.

III. Details regarding the storage duration:

Your personal data will be stored for the duration of any statutory limitation periods for claims under the Austrian Federal Equal Treatment Act [*Bundesgesetz über die Gleichbehandlung - GIBG*]. Pursuant to Section 29 GIBG, we may store your data for the duration of six months in order to defend a potential claim pursuant to Section 26 Para. 1 GIBG, after which your data will be deleted immediately.

IV. Rights pursuant to Art. 15 to 21 GDPR:

- Right to information
- Right to rectification
- Right to erasure

³ Racial and ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic data; biometric data processed to uniquely identify a natural person; health data; data concerning gender identity or sexual orientation.

- Right to restriction of the processing
- Right to data portability
- Right to object

V. Information regarding the Data Protection Authority and the right to lodge a complaint:

In addition, you can lodge a complaint regarding data processing that is inadmissible in your opinion at the Austrian Data Protection Authority, Barichgasse 40-42, 1030 Vienna, tel.: + 43 1 52 152-0, email: dsb@dsb.gv.at.

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