

REPORTING REQUIREMENT TO PROVIDE INFORMATION WHEN PERSONAL INFORMATION IS COLLECTED – BASIC REGULATIONS

To accept a Borealis MORE Scholarship

The Johannes Kepler University Linz (hereinafter referred to as "JKU") would like to provide you with information about automatically processing your personal information (more precisely: personal information relating to you) in accordance with Art. 4, para. 1 of the General Data Protection Regulations (hereinafter referred to as "GDPR") in which protection is governed by valid data protection¹. Under Art. 4 para. 2 of the GDPR, automated processing means collecting, recording and retaining personal information with or without automated means.

A. In accordance with § 26 of the GDPR, the JKU and Borealis AG are jointly responsible for processing personal information

I. Contact Information:

1. **The Johannes Kepler University Linz** (JKU), Altenberger Straße 69, 4040 Linz, datenschutz@jku.at; the Data Protection Officer under Art 37 GDPR is available at the Johannes Kepler University Linz (JKU), Office of Data Protection, Altenberger Straße 69,4040 Linz, Austria, datenschutz@jku.at

and

2. **Borealis AG**, Trabrennstraße 6-8, 1020 Vienna (hereinafter "Borealis"); the Data Protection Officer under Art 37 GDPR is available at: Trabrennstraße 6-8, 1020 Vienna, Francesco Perrone, Compliance, Ethics & Data Protection Manager, Legal & Procurement,

and are joint controllers responsible for processing data as described below in accordance with Art 26 GDPR. You may exercise your rights against any of the joint controllers.

¹ Regulation (EU) 2016/679 by the European Parliament and of the Council on April 27, 2016 to protect individuals with regard to processing personal data, the free movement of this kind of data and repealing Directive 95/46/EC (**GDPR**); Federal Act to protect individuals with regard to processing Personal Data (DSG), BGBl. I No. 165/1999, as last amended by BGBl. I No. 14/2019; Directive (EU) 2016/680 by the European Parliament and the Council on June 27, 2016 to protect individuals with regard to processing personal data and the free movement of this kind of data (Directive). Directive (EU) 2016/680 by the European Parliament and the Council on April 27, 2016 to protect individuals with regard to processing personal data by the responsible authorities for the purposes of preventing, conveying, detecting or prosecution of criminal offences or enforcing sentences, on the free movement of this kind of data and repealing Council Framework Decision 2008/977/JHA (**Directive on data protection in the field of justice and domestic affairs**), implemented in Articles 36-61 DSG.

II. Background for Processing / Indicating the Purpose for Collecting Personal Information / Legal Basis for Processing / Recipient for the Personal Information;

1. Background and Purpose for Processing

1.1. The JKU serves as the coordinating office as part of the process to award scholarships, grants, and additional benefits and is responsible for assisting, supporting, and advising applying students (applicants and scholarship holders) during the application process as well as during the period in which the scholarship is awarded and the additional, related benefits are received, and to handle internal scholarship-related processes, such as reviewing the requirements to (further) award the scholarship and any related additional benefits, prepare documents for the selection committee, conclude a learning agreement, and making the scholarship payment (and any additional benefits).

(Continued/ongoing) approval/authorization of the Borealis MORE scholarship and any added, related benefits, preparing documents for the selection committee, concluding a learning agreement, and making scholarship payment(s), and any additional benefits as well as asserting, exercising, or defending any legal claims and, lastly, to maintain the applicant's personal data for statistical evaluation submitted as part of the application procedure, including enclosures, supporting documents, and certificates/records.

1.2. The Coordination Office sends the received application documents that include CVs containing photos and letters of intent, along with an overview list of all submitted applications, including the personal data contained therein, including enclosures, supporting documents and evidence, to the Selection Committee (the members of which are appointed by the JKU Rectorate; the committee includes JKU employees and officials, as well as an appointed member of Borealis, usually a Borealis employee); the selection committee will render a decision regarding how the Borealis-MORE scholarships and added, related benefits are to be allocated.

1.3. Should the selection committee approve a grant/scholarship, the JKU will prepare a *Learning Agreement* to be signed between the JKU (as the coordinating body) and the applicant. During the scholarship period, the scholarship holder is required to provide the JKU with corresponding documentation that he/she has fulfilled the requirements as outlined in the *Learning Agreement*. Should the scholarship holder fail to meet to the prerequisites in order to continuing receiving the scholarship and/or the added, related benefits, payment(s) will be suspended. If the scholarship holder fails to meet the requirements as outlined in the Learning Agreement (such as failure to earn sufficient ECTS credits, etc.), the Coordination Office will submit a report regarding the situation to the Selection Committee in order to decide whether or not to continue granting the scholarship.

At the end of the Winter Semester, the Coordination Office will provide the Selection Committee with a statistical evaluation of all scholarships awarded within a year; the report will not contain information that could lead to identifying the applicants or scholarship holders, meaning in an exclusively in anonymous format.

2. Legal Basis

2.1. The legal basis to allow the JKU and Borealis to process specific personal data is **Art. 6 para. 1 lit. b and f GDPR**.

Processing the applicant's personal data is deemed necessary in order to prepare and conclude a contract at the applicant's request or to establish, fulfill and/or process the Learning Agreement between the applicant and the Coordination Office.

In addition, the JKU and Borealis have a prevailing legitimate interest in that those who wish to draw on the benefits of the Borealis MORE Scholarship provide the information required to assess (further) granting a scholarship and the added, related benefits. Data processing is required in order to safeguard the JKU's and Borealis' legitimate interests in a proper (lawful) administrative process and to effectively manage, organize, and handle the internal scholarship-related processes. In addition, data processing is required to assert, exercise or defend against any related legal claims.

There is no obligation to provide the requested personal data, however, without the requested information, the purposes as stated under Pt. II.1. cannot be attained and the application to be considered for a Borealis-MORE scholarship cannot be taken (further) into consideration.

2.2. If the submitted application documents, including enclosures, supporting documents and certificates/records, also contain sensitive information², the legal basis to process this personal information is based on your express consent in accordance with **Art 9 (2) lit. a GDPR**. As explicitly stated in the application form, disclosing sensitive information in your application is not required to be considered for the scholarship; this type of information is irrelevant in regard to rendering a decision on awarding a grant and making payment of the Borealis MORE scholarship and any added, related benefits and is **not required** by the JKU or Borealis.

In accordance with Art. 7 (3) of GDPR, you can exercise your right to revoke without stating any reasons and/or amend the declaration of consent given (to take effect in the future), or revoke it entirely by using the contact information provided under Pt. I above. Revoking your consent does **not** affect the lawfulness of processing of your personal data, which was conducted on the basis of consent up until consent was revoked.

3. Recipients

3.1. Those receiving the personal data are, in addition organizational departments at the JKU that require the information for corresponding processing procedures, Borealis, as well as (if awarded a Borealis MORE scholarship and the added, related benefits), a banking institution disclosed by you.

3.2. As part of the technical support, hosting, maintenance, administration, and artistic/graphical design, any commissioned processors may also be involved. The data recipient may be a third-party providing access to personal data cannot be prevented on account of technical and organizational measures.

² 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 on gender identity or sexual orientation.

3.3. To assert any claims, personal data may also be forwarded to courts, authorities and legal representatives.

III. Information Regarding the Retention Period:

1. The JKU will electronically retain the applicant's personal data for the duration of the application process or, in the event the applicant is awarded a scholarship and any added, related benefits to the applicant, for the duration of the period in which the applicant received the scholarship. Personal data is also stored for the duration of the legal retention periods. In addition, the retention period is determined according to criteria such as proof required to correctly implement internal scholarship-related processes in association with any disagreements or disputes, namely up to three years after proof is available.

2. Any data forwarded to Borealis (see Pt. II.1.2.) will only be stored by Borealis for the duration of the selection process, meaning until the selection committee renders a decision; afterwards, the data will be deleted immediately.

IV. Data Subject Rights in accordance with Art 15 - 21 GDPR:

- Right to Access Information
- Right to rectification
- Right to erasure
- Right to restrict processing
- Right to data portability
- Right to object

V. Information about the Data Protection Authority and the Data Subject's Right to Appeal:

In addition, the data subject may lodge a complaint to the Austrian Data Protection Authority, Barichgasse 40-42, 1030 Vienna, Ph.: + 43 1 52 152-0, E-mail: dsb@dsb.gv.at, if the data subject believes the procedure to process personal information relating to him or her infringes the regulations.

VI. Joint Controllers' Responsibilities under GDPR:

According to the GDPR, the joint controllers will assume the required tasks as outlined in the table below. If "both" is noted as a responsibility in regard to a respective duty, responsibility for the respective duty shall lie with the controller who is responsible for processing as outlined in the cooperation agreement.

Responsibility /Duty	Area of Responsibility/ Task Allocation
Informing the data subject of the reporting requirement to collect personal data/information in accordance with Art. 13 GDPR as well as the reporting requirement in the event the individual's data was not collected in accordance with Art.14 GDPR; in each case including information in accordance with Art. 26 Abs. 2 GDPR.	The JKU will provide the information.
Processing data subject rights in accordance with Art. 15 - 21 GDPR, including exercising identity verification in accordance with Art. 12 para. 6 GDPR and communicating with data subjects in accordance with Art. 12 para. 3 and 4 GDPR.	Both
Prepare and maintain the processing documentation for the respective processing action in question in accordance with Art 30 GDPR in the processing directory.	Both
Reports to the supervisory body and data subjects in accordance with Art. 33, 34 GDPR.	Both
Accountability to determine the necessity of data protection impact assessments in accordance with Art. 35 GDPR; prior consultation with the supervisory body in accordance with Art. 36 GDPR.	Both

B. The JKU as Independent (Sole) Controller in accord. with Art 4 No. 7 GDPR

I. Contact Information:

See **Section A, Pt. I.1.**

II. Background for Processing / Indicating the Purpose for Collecting Personal Information / Legal Basis for Processing / Recipient for the Personal Information:

1. If applicable, JKU will process image and sound material (photos, videos) of scholarship holders as part of interviews/questionnaires about the "Borealis-MORE Scholarship", visual and audio material (photos, videos) of the scholarship holders (in unaltered or edited form, while respecting personal rights, as well as information provided voluntarily therein, such as academic title, first and last name, opinions, ideas, convictions, motives, and empirical values, etc.) to document and inform the public about the JKU and fulfilling its duties and responsibilities as well as an overall purpose to report and/or attain a given promotional effect by publishing information on the JKU's publicly accessible website and social media channels (YouTube, Facebook, LinkedIn and Instagram) and, if applicable, also in the press, journals, and magazines (print media as well as online publications via the Internet)

2. The **legal grounds** to process personal data is voluntary consent in accordance with **Art 6 (1) lit. a and Art 9 (2) lit. a GDPR**. Please note that refusing consent has no effect on the scholarship-related processes; consent to the aforementioned data processing is not a prerequisite to (further) granting the Borealis MORE scholarship and added, related benefits. Under study law, **refusing consent does not result in negative consequences**.

In accordance with Art. 7 (3) GDPR, you have the right to exercise your right to revoke without stating reasons and/or amending the declaration of consent given with effect for the future or revoke it entirely by postal mail using the contact details listed under Pt. I. or by sending an e-mail to: datenschutz@jku.at . Revoking consent does **not** affect the lawfulness of processing your personal data which was conducted on the basis of consent up until consent was revoked.

3. Recipients

3.1. Those receiving the personal data are organizational departments at the JKU that require the information for corresponding processing procedures.

3.2. As part of the technical support, hosting, maintenance, administration, and artistic/graphical design, any commissioned processors may also be involved. The data recipient may be a third-party providing access to personal data cannot be prevented on account of technical and organizational measures.

3.3. With regard to internal and external communication purposes associated with the "Borealis-MORE-Scholarship", the image and sound material will also be sent to Borealis (contact information in **Section A, Pt. I.2.**) as they are a partner.

3.4. Should information be published - as described in **Pt. II.1** - in any press reports, journals or magazines, your data may also be forwarded to press and media representatives.

3.5. By publishing image and sound material (as described under **Pt. II.1.**) on the JKU's publicly accessible website and the social media channels (YouTube, Facebook, LinkedIn and Instagram) and, if applicable, in other online publications via the Internet, the data subject's information is, in principle, made available to anyone. Worldwide accessibility to this personal data means that this information can be found via search engines, linked to other information, and also copied and further processed for other purposes not covered by this data privacy policy. Against this backdrop, said personal data may be found elsewhere on the original website or social media channels even after it has been deleted. In this regard, the JKU has no control or influence and can therefore assume no liability.

III. **Information Regarding the Retention Period:**

1. Personal information will be processed in accordance with the criteria outlined for the period to retain data, such as having to inform the public about fulfilling the university's duties and responsibilities, timeliness, and relevance with regard to the purpose stated under Pt. II.1., with regard to intended advertising or the JKU's documentation and communication style, or until your consent is revoked.

2. The retention period is determined by the following in particular: Type of event during which the recording was made; type of image (number of persons, depicted environment, situation); suitability for documentation - such as the JKU's history as well as archiving; suitability for

website use, on YouTube, as well as for the JKU's other social media channels.

IV. **Data Subject Rights in accordance with Art. 15-21 as well as Information about the Data Protection Authority and the Data Subject's Right to Appeal:**

See Section A, Pts. IV. and V.

Last update: December 2022

CONSENT TO DATA PROCESSING

In accordance with Art. 6 Sec. 1 lit. a, Art 9 Sec. 2 lit. a GDPR and § 24, 78 of the Act on Copyright and Related Rights

1. I, _____ [first name and last name], expressly consent, voluntarily and in an informed manner, that the JKU, as part of interviews/surveys about the "Borealis-MORE-Scholarship", may create/produce/process image and sound material (photos, videos) of me in an unaltered form, or in a form edited to respect my personal rights and - including the information voluntarily provided by me in this context, such as, in particular, academic title, first name and last name, opinions, ideas, convictions, motives and empirical values - free of charge and without additional permission, in order to document and inform the public about the fulfilling tasks allocated to the JKU as well as, in general, to report and/or attain a certain advertising effect by publication on the JKU's publicly accessible website and social media channels (YouTube, Facebook, LinkedIn and Instagram) and, if applicable, also in the press, journals and magazines (print media as well as online publications via the Internet).

I understand I have the right to revoke my consent at any time by postal mail to the Johannes Kepler University Linz, Altenberger Straße 69, 4040 Linz, or by sending an e-mail: datenschutz@jku.at . Revoking my consent does **not** affect the legality of processing conducted on the basis of consent until the revocation. However, the purpose as stated above cannot be attained by revoking consent.

I understand that publishing visual and audio material (videos) and other personal information voluntarily provided by me during the course of the event on the publicly accessible website and social media channels (Facebook and Instagram) means this personal information will, in principle, be made available to anyone. Worldwide accessibility to this personal data means that this information can be found via search engines, linked to other information, and also copied and further processed for other purposes not covered by this data privacy policy. Against this backdrop, said personal data may be found elsewhere on the original website or social media channels even after it has been deleted. In this regard, the JKU has no control or influence and can therefore assume no liability.

2. Retaining and/or processing my personal data is conducted in accordance with the criteria specified to retain the information, such as having to inform the public about fulfilling the university's duties and responsibilities, timeliness and relevance with regard to the purpose stated under Pt, 1, with regard to intended advertising or the JKU's documentation and communication style, or until my consent is revoked.

The retention period is determined by the following in particular: The type of event during which the recording was made; the type of image (number of persons, depicted environment, situation); suitability for documentation, such as, for example, the JKU's history as well as for archiving purposes; website suitability, YouTube, as well as the JKU's other social media channels.

3. I herewith agree to transfer the exclusive, transferable and unrestricted right of use and utilization of my interviews to the JKU. I confirm herewith that I understand I will not be remunerated in any way for transferring rights.

4. Furthermore, I herewith confirm that I have received and I understand the supplementary sheet "**Reporting Requirement to Provide information when Personal Information is Collected in accordance with General Data Protection Regulations**".

<hr/> Location, Date	<hr/> Scholarship Holder's Signature
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