

# Data Privacy and Protection Information for candidates (m/f/x)

## A. Information on the processing of your data

We hereby inform you about the processing of your personal data under Article 13 of the General Data Protection Regulation (GDPR) by **Negotiation Advisory Group GmbH** and the rights to which you are entitled under data protection law.

### 1. Controller

The Controller under Art. 4 No. 7 of the GDPR is Negotiation Advisory Group GmbH, represented by managing directors Mr. Stefan Oswald and Mr. René Schumann, Hafenstrasse 25, 68159 Mannheim, Germany, telephone: 0211 500 8005 0, e-mail: [people@n-advisory.group](mailto:people@n-advisory.group)

### 2. Scope of data processing

We intend to create a candidate profile of you and include it in our database (candidate pool). The data will only be passed on to third parties with your consent. For this reason, we process personal data of yours. The **personal data** processed include in particular your basic data (such as first name, surname, titles and other name affixes), contact data (such as private address, mobile phone number, telephone number, e-mail address), all data resulting from your application documents (including health-related data, where applicable) and, where applicable, data on bank details (for reimbursing travel expenses).

In general, your personal data is collected directly from you as part of the application process. In addition, we process personal data that we have legitimately obtained from publicly accessible sources (e.g., professional networks). No data is collected from third parties as part of the application process, unless the consent of the data subject has been obtained.

### 3. Purposes and legal basis of the processing of your data

We process your personal data in compliance with the provisions of the GDPR, the German Federal Data Protection Act (BDSG) and all other applicable laws. The sole purpose of data processing is the inclusion of your candidate profile in our database, the decision on placement in an employment relationship and the placement itself. The legal basis for this is:

Art. 6 No. 1 letter b) of the GDPR. You have the right to withdraw this consent at any time.

In addition, your separate consents under Art. 6 No. 1 letter a) and Art. 7 of the GDPR may be applied as permissions under data protection law.

If you provide information in your application documents that contains special categories of personal data (e.g., information on marital status that may allow conclusions to be drawn about your sexual orientation; information on your health; the inclusion of a photo that allows conclusions to be drawn about your ethnic origin and, where applicable, your eyesight and/or religion), we will also only process this data to the extent permitted by law. If you voluntarily provide us with special categories of personal data, we will only process them on the basis of your consent. The legal basis for this is Art. 6 Para. 1 letter a) in conjunction with Section 26 Para. 2 of the BDSG. You are entitled to withdraw this consent at any time.

If we process special categories of personal data (especially health-related data, e.g., a severe disability) under Art. 9 No. 1 of the GDPR, this serves exclusively to fulfil the obligations placed on us under Section 164 of the German Social Code, Book IX (SGB IX) as part of the application process.

Should we wish to process your personal data for a purpose not mentioned above, we will inform you of this in advance and of the legal basis for doing so.

#### **4. Forwarding of your data**

Within our company, your personal data will only be passed on to those persons and departments who are responsible for this. These are our employees in the recruitment and placement department. Your applicant profile, insofar as a review reveals a match and you consent to the respective forwarding, is passed on to suitable clients, so that their relevant departments can check whether you are a suitable candidate for the operations of our respective client.

We use software from a specialised provider for our applicant management. The service provider of this software is audeoSoft GmbH, Wilhelmsstraße 20-22, 65185 Wiesbaden, Germany. Data protection and privacy policy (in German): <https://staffitpro.de/dataprotection> (updated February 2021). The legal basis is the fulfilment of the contract by us as well as the response to pre-contractual inquiries (Art. 6 No. 1 sentence 1 letter b) of the GDPR), and legitimate interests (Art. 6 No. 1 sentence 1 letter f) of the GDPR).

#### **5. Application for internal positions**

We are pleased to hear you want to become part of our team and are applying for a position at our company.

We do not differentiate between internal and external positions when processing your application. We match your application with all relevant positions in order to provide you with the best possible support in achieving your career goals.

## **6. Transfer to third countries**

We do not transfer personal data to third parties outside the European Economic Area (EEA).

## **7. Storage period**

If there is no legal retention period, the data will be deleted as soon as storage is no longer necessary or the legitimate interest in storage has expired. The storage period is a maximum of two years, unless you have consented to a longer period of storage. In individual cases, individual data may be stored for a longer period (e.g., travel expense reports, proof of successful placements). The duration of the storage period may then depend on the statutory retention obligations, e.g., under the German Fiscal Code (AO) (6 years) or the German Commercial Code (HGB) (10 years).

If you have granted us your permission to store your personal data beyond the application process for a specified period of time, this retention period applies.

If no employment relationship is established, the application process ends with the receipt of a rejection. In this case, we will delete your data no later than 6 months after receipt of the rejection, unless you have consented to a longer storage period. This does not apply insofar as the processing and storage of your personal data is necessary in the specific case for the establishment, exercise or defence of legal claims (duration of a legal dispute).

## **8. The rights of data subjects**

You have the right of access under Art. 15 of the GDPR, the right to rectification under Art. 16 of the GDPR, the right to erasure under Art. 17 of the GDPR, the right to restriction of processing under Art. 18 of the GDPR and the right to data portability under Art. 20 of the GDPR. In particular, you have the right to delete stored data at any time. A deletion request leads to a termination of the application process and subsequently no more information can be provided on the process.

If you make a request for information under your right of access that is not provided in writing, we ask you to understand that we may then require you to provide proof that you are the person you claim to be.

The restrictions under Sections 34 and 35 of the BDSG apply to the right of access and the right of erasure. Once an employment relationship has been established, the right to delete data or restrict processing is reduced.

### **9. Right to lodge a complaint**

You have the right to lodge a complaint with the State Commissioner for Data Protection and Information Security of North Rhine-Westphalia, P.O. Box 20 04 44, 40102 Düsseldorf, telephone: 0211/38424-0, fax: 0211/38424-10, e-mail: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de) as the responsible data protection supervisory authority (under Art. 77 of the GDPR in conjunction with Section 19 of the BDSG).

### **10. Automated individual decision-making or profiling**

We do not use any strictly automated processing processes, including profiling, to bring about a decision on the establishment of an employment relationship.

## **B. Declaration of consent for the storage of candidate data**

Negotiation Advisory Group GmbH helps candidates achieve their career goals and places them in projects with our clients. We view ourselves as partners and advisors to the candidates in their professional lives. Negotiation Advisory Group GmbH intends to store your candidate data in a database of candidates.

If the specific application is not successful, the candidate agrees that Negotiation Advisory Group GmbH may store the personal data collected during the application process beyond the end of the specific application process. The candidate agrees that Negotiation Advisory Group GmbH may use this data to contact them at a later date and to continue the application process, should the candidate be considered for another position or project.

Since Negotiation Advisory Group GmbH accompanies candidates throughout their professional lives and helps them achieve their career goals, we store candidate data for up to two years after the most recent application or until revoked by the candidate.

Insofar as the candidate has provided “special categories of personal data” under Art. 9 of the GDPR in their letter of application or other documents submitted by them in the application process (e.g., a photo that reveals ethnic origin, information about severely disabled status, etc.), their consent also applies to this data. This consent also applies to data about their qualifications and activities from generally accessible data sources (professional social networks in particular), which Negotiation Advisory Group GmbH has legitimately collected as part of the application process.

This consent is voluntary and has no effect on the candidate’s chances in a specific application process. The candidate can refuse it without giving reasons, without the candidate having to fear any disadvantages because of this. The candidate can also revoke their consent at any time; in this case, their data will then be deleted insofar as no further claims can be expected from the application process. Data will only be passed on to third parties with the candidate’s individual consent.

### **Right to object**

Negotiation Advisory Group GmbH hereby informs the candidate that they may revoke their consent to the processing of their data at any time using their right to object. The revocation can be done in the form of a text, for example by e-mail to [people@n-advisory.group](mailto:people@n-advisory.group). Data processing remains permissible until the revocation is received by Negotiation Advisory Group GmbH. The same applies to data processing based on other permissions after receipt of the revocation.

### **Validity**

The current data privacy and protection policy is valid as of February 23, 2020.