



# Data protection statement for job applications to K2NE Germany GmbH

Dear job applicant

We are glad that you have decided to apply for a job at our company. Please be assured that it is our top priority to protect your personal data throughout the application process. The following information is to explain you how we process your personal data and what your rights as a data subject are in this context:

## 1. Who is responsible for the processing of your personal data?

Controller in the sense of the EU General Data Protection Regulation (EU Regulation 2016/679, hereinafter “GDPR”) is K2NE Germany GmbH, Frauenplatz 11, 80331 München/Munich, Germany, represented by the directors (Geschäftsführer) Ruan Scott and Fransien Scott. In the following, the terms “we” or “us” refer to the said controller.

## 2. How can you contact our Data Protection Officer?

For all questions regarding the processing of your personal data and the exercising of your rights, you can contact our Data Protection Officer at [K2NE-Privacy@k2.com](mailto:K2NE-Privacy@k2.com).

## 3. For which purposes and on which legal basis do we process your personal data?

We process personal data about you only insofar as this is required for the purpose of the decision regarding the establishment of an employment relationship with us. The legal basis for this processing is provided in Art. 88 GDPR in conjunction with § 26(1) sentence 1 BDSG (German Federal Data Protection Act) 2018 as far as the respective information is being requested from you in the course of the application process (names, address and contact details, date of birth, information on your professional qualification and graduation or information on professional development measures and further training).

Furthermore, we may process personal data about you to the extent necessary for the defence against legal claims made against us with respect to the application process. The legal basis for this processing is provided in Art. 6(1)(f) GDPR, the legitimate interest being – for instance – the burden of proof in proceedings based on the AGG (German General Equal Treatment Act).

In the event that an employment relationship is established between you and us, we may further process the personal data already received from you for the purposes of the employment relationship based on § 26(1) sentence 1 BDSG 2018 where necessary for the performance or termination of the



employment relationship or the exercise or fulfilment of rights and obligations of the representation of employee interests resulting from law or from a collective or works agreement.

#### 4. Which categories of personal data do we process?

We process personal data that are related to your job application. These may encompass general personal information (such as names, address and contact details, date of birth), information on your professional qualification and graduation, information on professional development measures and further training or other information you communicate to us in connection with your job application.

#### 5. Which categories of recipients of personal data are there?

We may transfer your personal data to our affiliated companies within the purposes and legal bases set out in section 3 above. Besides that, personal data are being processed on our behalf based on agreements pursuant to Art. 28 GDPR, especially by hosting providers or providers of candidate management systems. When a recruitment agency or personnel service provider is involved in your application, we may also transfer your personal data to such party.

#### 6. Do we intend to transfer personal data to a third country?

Due to our international company structure, personal data may also be transferred to our affiliated companies and their service providers in the third countries Switzerland, South Africa and the United States of America within the purposes and legal bases set out in section 3 above. For transfers to Switzerland, an adequate level of data protection is guaranteed by the existence of an adequacy decision by the Commission according to Art. 45(3) GDPR. For transfers to South Africa and the United States of America, an adequate level of data protection is guaranteed in absence of an adequacy decision by the Commission according to Art. 45(3) GDPR by the conclusion of agreements on the basis of the EU standard contractual clauses concerning data protection. For the case that the United Kingdom should be considered a third country in the sense of the GDPR in future, we would already like to inform you that personal data may also be transferred to the United Kingdom and that an adequate level of data protection will be guaranteed by the conclusion of agreements on the basis of the EU standard contractual clauses concerning data protection, provided that there is no adequacy decision by the Commission according to Art. 45(3) GDPR.

#### 7. For which period will your personal data be stored?

We store your personal data for as long as this is required for the decision on your job application. In the event that no employment relationship is concluded between you and us, we may continue storing your data where necessary for the defence against legal claims made against us. Application documents will be erased three months after the announcement of our refusal decision unless a longer storage period is required due to litigation or has been expressly agreed in the individual case.



## 8. What are your rights?

As a job applicant, you have the following data protection rights – as the case may be – which you can exercise by contacting us or our Data Protection Officer under the contact details stated in sections 1 and 2 above:

### *Right of access*

You have the right to obtain access to your personal data undergoing processing by us as well as to request copies of these data. This includes information on the purposes of the processing, the categories of personal data concerned, the recipients and accessors as well as, where possible, the envisaged period for which the personal data will be stored or, if not possible, the criteria used to determine that period.

### *Right to rectification*

You have the right to obtain from us without undue delay the rectification of inaccurate personal data concerning you. Taking into account the purposes of the processing, you have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

### *Right to object*

As far as the processing of personal data concerning you is based on Art. 6(1)(f) GDPR, you have the right to object, on grounds relating to your particular situation, at any time to processing of these data. We will then no longer process the personal data unless we demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or for the establishment, exercise or defence of legal claims.

### *Right to withdraw consent*

Where processing is based on consent, you have the right to withdraw your consent at any time. The withdrawal of consent will not affect the lawfulness of processing based on consent before its withdrawal. To withdraw your consent, you can contact us or our Data Protection Office at any time under the contact details stated above.

### *Right to erasure*

You have the right to obtain from us the erasure of personal data concerning you without undue delay and we have the obligation to erase personal data without undue delay where one of the following grounds applies:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- you withdraw consent on which the processing is based according to Art. 6(1)(a), or Art. 9(2)(a) GDPR, and where there is no other legal ground for the processing;
- you object to the processing pursuant to Art. 21(1) GDPR and there are no overriding legitimate grounds for the processing, or you object to the processing pursuant to Art. 21(2);



- the personal data have been unlawfully processed;
- the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which we are subject;
- the personal data have been collected in relation to the offer of information society services referred to in Art. 8(1) GDPR.

The foregoing does not apply to the extent that processing is necessary:

- for exercising the right of freedom of expression and information;
- for compliance with a legal obligation which requires processing by Union or Member State law to which we are subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in us;
- for reasons of public interest in the area of public health in accordance with Art. 9(2)(h) and (i) as well as Art. 9(3) GDPR;
- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Art. 89(1) GDPR in so far as the right referred to above is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- for the establishment, exercise or defence of legal claims.

#### *Right to restriction of processing*

You have the right to obtain from us restriction of processing where one of the following applies:

- the accuracy of the personal data is contested by you, for a period enabling us to verify the accuracy of the personal data;
- the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;
- we no longer need the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims;
- you have objected to processing pursuant to Art. 21(1) GDPR pending the verification whether our legitimate grounds override yours.

Where processing has been restricted under this section, such personal data shall, with the exception of storage, only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

If you have obtained restriction of processing, you shall be informed by us before the restriction of processing is lifted.

#### *Right to data portability*

You have the right to receive the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from us, where:



- the processing is based on consent pursuant to Art. 6(1)(a) or Art. 9(2)(a) GDPR or on a contract pursuant to point Art. 6(1)(b) GDPR; and
- the processing is carried out by automated means.

In exercising your right to data portability, you have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

The exercise of the right to data portability is without prejudice to the right to erasure. That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us.

The right to data portability shall not adversely affect the rights and freedoms of others.

#### *Right to lodge a complaint with a supervisory authority*

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of personal data relating to you infringes the GDPR.

#### 9. Is there a requirement or obligation to provide personal data?

The provision of personal data is neither a statutory nor a contractual requirement, nor are you obliged to provide us with personal data. However, the provision of personal data is a requirement necessary to enter into a contract regarding an employment relationship with us. This means that, if you do not provide personal data in connection with an application, we will not enter into an employment relationship with you.

#### 10. Do you apply automated decision-making?

We are not applying automated decision-making (including profiling) referred to in Art. 22(1) and (4) GDPR, which means that the decision on your job application will not be exclusively based on an automated processing.

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