

Dear applicant,

Thank you for your interest in our company. In accordance with the provisions of Articles 13, 14 and 21 of the General Data Protection Regulation (GDPR), we hereby inform you about the processing of the personal data you intend to provide SMS as part of the application process and, if applicable, about the personal data SMS will collect and your rights in this regard. In order to ensure that you are fully informed about the processing of your personal data as part of the application procedure, please take note of the information below.

RESPONSIBLE CONTROLLER WITHIN THE MEANING OF DATA PROTECTION REGULATION

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CONTACT DETAILS OF OUR DATA PROTECTION OFFICER

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PURPOSES AND LEGAL BASIS OF PROCESSING

SMS is processing your personal data in accordance with the requirements of the European Data Protection Regulation (EU GDPR) and the German Federal Data Protection Act (BDSG), as far as this is necessary for the decision of an employment relationship with SMS. The legal basis for this is Art. 88 GDPR in conjunction with § 26 BDSG-neu and, if applicable, Art. 6 para. 1 lit. b GDPR for the initiation or implementation of contractual relationships.

Furthermore, SMS may process your personal data if this is necessary for the fulfilment of legal obligations (Art. 6 para. 1 lit. c GDPR) or for the defense of asserted legal claims against SMS. The legal basis for this is Art. 6 para. 1 lit. f GDPR. The legitimate interest is, for example, a duty of proof in proceedings under the General Equal Treatment Act (AGG).

If you give SMS your explicit consent to process personal data for specific purposes, the lawfulness of this processing is given by consent pursuant to Article 6 (1) (a) GDPR. Consent given can be revoked at any time with effect for the future (see Section 9 of this data protection information).

If there is an employment relationship between you and SMS, we are allowed to process the personal data already received from you for the purposes of the employment relationship if it is required to fulfill the rights and obligations resulting from a law or a collective agreement, a works, company, or service agreement. The legal foundation is based on Art. 88 GDPR in conjunction with § Section 26 of the new Federal Data Protection Act (BDSG-neu).

CATEGORIES OF PERSONAL DATA

SMS only processes data that is related to your application. This may be general personal data (name, address, contact details, etc.), information on your professional qualifications and school education, information on further professional training and, if applicable, other data you provide SMS with and that is related to your application.

SOURCES OF THE DATA

SMS processes personal data in the context of your application, which we receive from you by post, via the online application portal on our website or via third parties.

RECIPIENT OF DATA AND CATEGORIES

SMS only passes on your personal data within our company to those departments and persons who need this data to fulfil contractual and legal obligations or to implement our legitimate interest.

Your personal data is processed on our behalf based on order processing contracts in accordance with Art. 28 GDPR. In these cases, SMS ensures that the processing of personal data is carried out in accordance with the provisions of the GDPR. The categories of recipients in this case are providers of applicant management -systems and -software.

Otherwise, data will only be passed on to recipients outside the company if this is permitted, or required by law, if the transfer is necessary to fulfil legal obligations, or if SMS has your consent.

DATA TRANSFER TO THIRD COUNTRIES

Transfers to a third country only takes place if you are interested in a position in our branch office in Switzerland. However, an adequacy decision of the European Union certifies an appropriate level of protection equivalent to that of the EU. In conjunction with revDSG (revised Swiss Data Protection Act) such a transfer does not require any specific protective measures.

PERIOD OF DATA STORAGE

SMS as the controller is only processing and storing your personal data as long as it is necessary for the decision on your application. Your personal data or application documents will be deleted no more than six months after notification of the rejection decision, but at the latest after the end of the application process, unless longer storage is legally required or permitted; for example, if you wish to claim travel expenses incurred in case of a personal appointment. If you have consented to your personal data being stored for a longer period of time, SMS will store it in its applicant pool following the application process in accordance with your declaration of consent. This allows SMS to continue to consider you in the selection of applicants for suitable positions in the future. However, this will not happen without your express consent. The maximum storage period is then 12 months.

If an employment relationship, apprenticeship, or trainee relationship is established following the application process, your data will initially continue to be stored insofar as this is necessary and permissible and will then be transferred to the personnel file.

YOUR RIGHTS

Every data subject has the right to information pursuant Article 15 of the GDPR, the right to rectification pursuant Article 16 of the GDPR, the right to erasure pursuant Article 17 of the GDPR, the right to restriction of processing pursuant Article 18 of the GDPR, the right to notification pursuant Article 19 of the GDPR and the right to data portability pursuant Article 20 of the GDPR. In addition, you have the right to lodge a complaint with a data protection supervisory authority pursuant to Art. 77 GDPR, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement in case you consider the processing of your personal data is unlawful. The right of appeal is without prejudice to any other administrative or judicial remedy.

If the processing of data is based on your consent, you are entitled to revoke your consent to the use of your personal data at any time in accordance with Art. 7 GDPR. Please note that the revocation is only effective for the future. Processing that took place before the revocation is not affected. Please also note that SMS may need to retain certain data for a certain period to comply with legal requirements (see section 8 of this data protection information).

Right of objection

As far as the processing of your personal data is carried out for the protection of legitimate interests pursuant to Art. 6 (1) (f) GDPR, you have the right pursuant to Art. 21 GDPR to object to the processing of this data at any time for reasons arising from your particular situation. SMS will then no longer process this personal data unless it can demonstrate compelling legitimate reasons for the processing. These must outweigh your interests, rights and freedoms, or the processing must serve to assert, exercise, or defend legal claims. To protect your rights, please feel free to contact us.

NECESSITY OF PROVIDING PERSONAL DATA

Providing personal data as part of the application processes is not required by law or contract. You are therefore not obliged to provide information about your personal data. Please note, however, that it is necessary for the decision on an application or the conclusion of a contract in relation to an employment relationship with SMS. If you do not provide SMS with any personal data, SMS will not be able to decide. SMS suggests that you only provide personal data that is required to process the application.

AUTOMATED DECISION

Since the decision on your application is not based exclusively on automated processing, no automated decision in individual cases within the meaning of Art. 22 GDPR takes place.