

INFORMATION PROVISION GDPR

Last update: January 2024

Information Sheet on the Processing of Personal Data of Applicants

The protection of your personal data is of the utmost priority for Stadler Völkel Attorneys at Law ("**SV.LAW**" or "**we**"). In the context of employment law, we are faced with the necessity of continually processing data from applicants as potential new employees. It is particularly important to us to create trust by always being transparent and handling your data with care. In doing so, we act in accordance with the General Data Protection Regulation of the European Union ("**GDPR**") as well as the Austrian Data Protection Act ("**DSG**") and other relevant legal provisions.

Data protection regulations must always be observed when it comes to the processing of personal data. For the scope of this information provision, we refer to the concept of "processing" as defined by the GDPR. This means that "processing" of personal data essentially includes any handling of the same. As far as the data we process can be related to individuals and – even if only through third parties or additional knowledge – make you identifiable as a person (especially discovering your full name), they are generally considered personal data. In this context, you are regarded as the "data subject" in terms of Art 4 item 1 GDPR and thus a beneficiary of the GDPR's protection provisions, insofar as it comes to the processing of your personal data. Should "data" be mentioned further in this information sheet, it always refers to "personal data."

Below, we provide comprehensive information on how we process your personal data and which rights you have in this regard. Since the processing of applicant data involves both, data collections from the data subject itself (Art 13 GDPR) and from third-party sources (Art 14 GDPR), you will be specifically informed on which basis concrete information within this information sheet is provided.

1. Controller concerning the Processing of Applicant Data & Contact Information

<u>Controller</u> in the sense of Art 4 item 7 GDPR:	<u>Contact</u> :
Stadler Völkel Rechtsanwälte GmbH	Phone: +43 1 997 1025
Seilerstätte 24	Fax: +43 1 997 1025 99
1010 Vienna	Email: office@sv.law
Austria	Web: www.sv.law

2. Data Processing Operations in relation to Applicant Data

2.1 Processing of Applicant Data in the Context of Inquiries (Art 13 GDPR)

- (a) Nature and Extent of Data Processing: Until you initiate contact with SV.LAW, we generally do not process any applicant data. You have the opportunity, especially following job advertisements, to contact us. Open positions are generally advertised on the SV.LAW website at sv.law/careers. Initial contact regarding an application is usually made via email. In exceptional cases, it can also be made by phone or in person. The identity data and application documents provided to us are then used to create an individual applicant profile and are evaluated by the relevant departments at SV.LAW. In exceptional cases, inquiries may also originate from SV.LAW representatives (e.g., in the context of searching for very specific skilled workers). Further processing of your data will, of course, only occur if you are interested in proceeding with an application process.
- (b) Legal Basis and Purpose: In this context, we process your data for the purpose of conducting application processes to adequately fill open positions. The relevant data processing is based on Art 6 para 1 lit b GDPR (performance of pre-contractual measures upon request). Insofar as inquiries originate from us, we process your data based on our legitimate interest, to fill important positions with qualified personnel and to actively promote this (Art 6 para 1 lit f GDPR; regarding the "right to object", see point 5.1 [e]).
- (c) Duration of Storage: Your data is stored by us and generally deleted seven (7) months after the final handling of the application. This storage period is necessary to secure ourselves against potential legal claims, such as those arising under equal treatment legislation. In case of employment, the data will be processed for other purposes, about which you will be separately informed. We generally do not store data that are not necessary for the application process. If such data are voluntarily provided, we delete them within seven (7) days. However, especially with regard to applicant data, it is often not possible to determine in advance which data are necessary, as the applicant always presents an individual total package of their person with their application documents, which should enable us to make a comprehensive evaluation and decision. Data contained directly in the application documents (CV, cover letter, etc.) are therefore always considered necessary.

2.2 Processing of Applicant Data in the Context of Internet Research (Art 14 GDPR)

- (a) Nature and Extent of Data Processing: To the extent that an application process as described under point 2.1 has been initiated, we may collect additional data about you from publicly accessible sources. This may particularly include published professional publications, information about previous activities, and other information about your past professional progression; in individual cases, if there is a special interest, data may also be collected from social networks (personal and professional data). The applicant profile created by you will then be enriched with these data.
- (b) Legal Basis and Purpose: This data processing serves the purpose of generating additional information within an application process, which facilitates our decision-making regarding applications. We process your data in this context based on our legitimate interest to be able to fill open positions with qualified personnel who best fit our company and its requirements (Art 6 para 1 lit f GDPR; regarding the "right to object", see point 5.1 [e]).
- (c) Duration of Storage: Data collected from publicly accessible sources will generally be deleted within fourteen (14) days after the conclusion of the application process. A longer storage period based on the timeframe mentioned under point 2.1 (c) only occurs in exceptional cases,

if the decision regarding employment was significantly influenced by these data and, therefore, they are likely to be relevant in terms of asserting potential legal claims.

2.3 Processing of Applicant Data in the Context of References from Former Employers (Art 14 GDPR)

- (a) Nature and Extent of Data Processing: In exceptional cases, we may gather information about you from former employers during an ongoing application process. This might occur, for example, if such references are particularly insightful due to the reputation of previous employers or existing contacts, as well as if previous positions were changed exceptionally often, thereby indicating very short periods of employment. These are data regarding your professional performance, the quality of your work, and your ability to work in a team (personal and professional data). The applicant profile you created will then be enriched with these data.
- (b) Legal Basis and Purpose: This data processing serves the purpose of generating additional information within an application process, which facilitates our decision-making regarding applications. We process your data in this context based on our legitimate interest to be able to fill open positions with qualified personnel who best fit our company and its requirements (Art 6 para 1 lit f GDPR; regarding the "right to object", see point 5.1 [e]).
- (c) Duration of Storage: The references, to the extent they are given or recorded in writing, will be deleted within fourteen (14) days after the conclusion of the application process. A longer storage period based on the timeframe mentioned under point 2.1 (c) occurs only in exceptional cases, if the decision regarding employment was significantly influenced by these data and, therefore, they are likely to be relevant in terms of asserting potential legal claims.

2.4 Processing of Applicant Data in the Context of Job Interviews (Art 13 GDPR)

- (a) Nature and Extent of Data Processing: If there is mutual interest in the light of a specific application process, we arrange a physical job interview with you. This can be conducted in a single day or divided into several rounds of interviews. During this process, we personally assess the suitability and qualities of a candidate. Additional data about you, which are collected (first) during job interviews with SV.LAW, are used to complete the respective applicant profile and subsequently make a final decision about employment.
- (b) Legal Basis and Purpose: We process your data in this context for the purpose of conducting and concluding application processes to adequately fill open positions. The relevant data processing is based on Art 6 para 1 lit b GDPR (performance of pre-contractual measures upon request).
- (c) Duration of Storage: Insofar as additional data are recorded during job interviews, we store these for seven (7) months after the final handling of the application. This storage duration is necessary to secure ourselves against potential legal claims, such as those arising under equal treatment legislation. In case of employment, the data will instead be processed for other purposes about which you will be separately informed. We generally do not store data that are not necessary for the application process. If such data are voluntarily provided, we delete them within seven (7) days.

3. Information on the Necessity to Provide Data

You are under no obligation to provide us with your personal data. This is done solely on a voluntary basis as part of a specific application request. Only subsequently may we collect additional data from third-party sources (see points 2.2 and 2.3). However, the provision of certain data is necessary in order for us to carry out an application process with you and take pre-contractual measures in view of a possible employment in our organization.

4. Recipients of Applicant Data

- (a) Within our organization, departments and employees responsible for handling and administering the application process have access to your data, as far as it is necessary in the specific case.
- (b) In the course of our business activities, we employ the following processors, who may process certain of your data in accordance with our explicit instructions based on a data processing agreement as per Art 28 para 3 GDPR:
 - (i) Hornetsecurity GmbH, Am Listholze 78, 30177 Hannover, Germany (for the purpose of checking our email traffic for malware and spam);
 - (ii) our IT service provider, werom IT-Consulting GmbH, Taborstraße 57/2/24, 1020 Vienna, Austria (for the maintenance and management of our IT infrastructure);
 - (iii) our call center, HSP Serviceline Telefonmarketing GmbH, Münzgrabenstraße 36/4, 8010 Graz, Austria (in case of telephone contact or a callback request).

5. Rights of the Applicant as the Data Subject

5.1 Data Subject Rights in a Narrow Sense

A key concern of data protection law is to grant you certain discretionary powers over your personal data even after data processing has begun. For this purpose, there exists a range of data subject rights, which we will comply with promptly, generally within one (1) month of your request. To exercise your rights, please contact us using one of the methods listed under point 1 or inform us of your request in person.

Regarding the processing of your applicant data, the following rights are generally conceivable:

- (a) If you exercise your **right of access** and no legal restrictions apply, we will confirm any processing of your data and provide comprehensive information. This includes providing you with (i) copies of the data (emails, database extracts, etc.), as well as information about (ii) specific processed data, (iii) purposes of processing, (iv) categories of processed data, (v) recipients, (vi) the storage period or criteria for its determination, (vii) the source of the data, and (viii) further information depending on the individual case. Please note, however, that we cannot provide data that could affect the rights of other persons.
- (b) The **right to rectification** allows you to request that we correct data that have been incorrectly recorded, become incorrect, or are (for the respective processing purpose) incomplete. Your request will then be examined and the affected data processing can be restricted for the duration of the review upon request.
- (c) The **right to erasure** can be exercised (i) if there is no longer a need for the processing purpose, (ii) in case of an objection due to your particular situation against data processing based on our legitimate interests (balancing of interests), (iii) in case of unlawful data processing, and (iv) if there is a legal obligation to erase.
- (d) A complementary **right to restriction** exists in special cases, whereafter the affected data may only be stored. Besides the possibility of restriction for the duration of data correction reviews, (i) unlawful data processing (if deletion is not requested) and (ii) the duration of reviewing an objection request are covered as well.

- (e) You also have a fundamental **right to object** at any time to data processing for reasons arising from your particular situation (balancing of interests). This applies in all cases where the processing is based on our legitimate interest according to Art 6 para 1 lit f GDPR.
- (f) You also have a **right to data portability**, meaning to receive the affected data in a structured, commonly used machine-readable format upon request from us, or to request direct transmission to another controller. This includes those of your personal data that we process for the performance of pre-contractual measures regarding a possible employment in our company based on Art 6 para 1 lit b GDPR.

Please note that we may not be able to comply with your request due to compelling, legitimate reasons for processing (balancing of interests) or processing for the assertion, exercise, or defense of legal claims. Limitations may also arise if otherwise operational or business secrets of us or third parties or the rights and freedoms of third parties would be violated. The same applies in the case of excessive requests, where a fee may be charged for fulfilling manifestly unfounded requests as well.

5.2 Right to Lodge a Complaint

If you believe that we have violated applicable data protection law in processing your data, you have the right to lodge a complaint with a national supervisory authority. The specific requirements for such a complaint in Austria are governed by § 24 DSG. However, we ask that you contact us first to clarify any questions or issues.

The contact details of the Austrian Data Protection Authority are as follows:

Austrian Data Protection Authority, Barichgasse 40–42, 1030 Vienna, Austria

Phone: +43 1 52 152-0

Email: dsb@dsb.gv.at

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STADLER VÖLKEL
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