

## **Data Privacy Information for Job Applicants, Employees and Freelancers**

Duty to provide information pursuant to Article 13 GDPR where personal data are collected from job applicants, employees and freelancers

### **Name and contact details of the Controller**

Avantgarde Gesellschaft für Kommunikation mbH  
Represented by the Managing Director  
Atelierstr. 10  
81671 Munich  
Germany

### **Contact details of the Data Protection Officer**

Nico Lepel  
Atelierstr. 10  
81671 Munich  
Germany  
Tel.: +49 (0)89 883990  
Email: dp-kom@avantgarde.de

### **1. Purposes of the processing for which the personal data are intended as well as the legal basis for the processing**

In order to be able to perform the job application process, the employment contract or the contract for service or work, we process the following data about you where you have provided such data to us as part of the job application process or during the employment relationship:

- Personal information (name, address, telephone number, date of birth – where applicable, email address – where applicable)
- Additional information in your CV, employer references, certificates

#### **1.1. Use of data based on your consent (Art. 6 (1) lit. a GDPR)**

Where you have consented to your application being stored in our talent pool, the primary purpose of data processing is the use of your application for a future position. The legal basis is Art. 6 (1) lit. a GDPR.

## **1.2. Processing of data for the performance of the contract concluded between you and us (Art. 6 (1) lit. b GDPR)**

If an employment contract is concluded, we will process your data in order to implement the employment relationship. The legal basis is Art. 88 GDPR, Section 26 of the new Federal Data Protection Act (BDSG-neu).

Where a contract for service or work is concluded with you in your capacity as a freelancer, we will process your data in order to implement the contract for service or work. The legal basis here is Art. 6 (1) lit. b GDPR.

## **2. Obligation to provide personal data**

The provision of personal data is necessary in order to perform the job application process or to conclude a contract (employment contract, contract for service or work) with Avantgarde Gesellschaft für Kommunikation mbH or its affiliated subsidiaries. Failure to provide data would mean that it would not be possible to perform the job application process or conclude a contract.

## **3. Automated decision-making including profiling**

The Controller will not carry out any profiling measures.

## **4. Transfer of data to a third country**

Data are transferred to countries outside of the EU and the European Economic Area ("third countries") during the course of the administration, development and operation of IT systems. Data are transferred only in the following cases:

- The transfer is in principle permissible because a legal basis for permitting transfer is fulfilled or because you have consented to the transfer of data and
- the specific requirements for transfer to a third country are met.

## **5. Recipients of data and data sources**

### **5.1. Categories of data recipients**

Where permissible by law, we forward personal data to external parties:

- Authorities, in order to fulfil statutory reporting requirements.
- IT service providers, in order to maintain our IT infrastructure.
- Debt-collection service providers and lawyers, in order to collect receivables and to take legal action to assert claims.
- Affiliated subsidiaries:

Avantgarde Sales & Marketing Support GmbH

Avantgarde Sponsoring GmbH

Inradius GmbH

361/DRX GmbH

AMG Experiences GmbH

TRENDBÜRO Beratungsunternehmen für gesellschaftlichen Wandel B.G.W. GmbH

## **5.2.Data sources**

We process personal data we receive from you in the course of our business relations. Where this is necessary in order for us to provide our service, we process personal data that we legitimately obtain from publicly accessible sources (debtor registers, land registers, trade registers and registers of associations, press, Internet) or which are legitimately forwarded by other third parties (a credit reference agency or an address service provider).

## **6.Storage period**

In the case of a job application, personal data will be stored for the duration of the application process. Where applicable, personal data will also be stored in order to perform a duty which is in the public interest or in the exercise of official authority. In addition, personal data will, where applicable, also be stored for the period during which legal claims are exercised or defended.

Documents of job applicants who have been rejected will be kept for up to six months on the basis of the General Act on Equal Treatment (AGG) and the Code of Civil Procedure (ZPO).

If consent has been granted to store the job application in an applicant pool, it will also be stored for the validity period of such declaration of consent.

Where an employment contract is concluded, personal data will be stored for the duration of the employment relationship. The same applies to contracts for service or work with freelancers. Where applicable, personal data will also be stored in order to perform a duty which is in the public interest or in the exercise of official authority. In addition, personal data will, where applicable, also be stored for the period during which legal claims are exercised or defended.

After the employment relationship ends, the personnel file will as a general principle be kept for up to three years, until expiry of the statutory limitation period from the due date of the claim. Moreover, individual documents in the personnel file (e.g. payroll accounts, release certificates) will be kept for a period of up to six years (pursuant to the Income Tax Act – Einkommensteuergesetz, and the German Fiscal Code – Abgabenordnung), and/or for up to ten years (pursuant to the German Commercial Code – Handelsgesetzbuch).

## **7.Rights of data subjects**

Unless otherwise specified, Avantgarde Gesellschaft für Kommunikation mbH is responsible for the processing of your data. You may at any time demand information from us about the stored data and request their correction in the event of errors. You may also demand the restriction of processing, data portability, in machine-readable format, of the data you have provided to us, or the erasure of your data – where they are no longer required.

You will also have the right, at any time, to object to the use of your data based on public or legitimate interests. Where we process data on the basis of a consent granted by you, you may withdraw this consent at any time with effect for the future. From the moment we receive your withdrawal of consent, we will no longer process your data for the purposes stipulated within the framework of the consent. Please send your withdrawal of consent or an objection to:

**Avantgarde Gesellschaft für Kommunikation mbH**

Atelierstr. 10  
81671 Munich  
Germany

Email:

career@avantgarde.de

**8. Right to lodge a complaint with a supervisory authority**

You may also lodge a complaint with a supervisory authority at any time. In principle, the competent authority for us is Bayerisches Landesamt für Datenschutzaufsicht, Postfach 606, 91511 Ansbach, Germany. Alternatively, you may contact your local supervisory authority.

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To aid legibility, the male form is used above when referring to persons; however, the information refers to members of all genders.