

**Data protection information of PNM. Recruiting. Consulting.  
- for applicants and employees -**

Below you will find an overview of us, the processing of personal data in our company and the rights affected. For a better readability we do not use the female and male language form at the same time. All personal designations are nevertheless valid for all sexes.

**1. Who we are. Details of the person responsible**

PNM. Recruiting. Consulting.  
PNM is a brand of Massarbeit Personalservice GmbH  
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Contact details of our data protection officer

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**2. Purpose of data processing, necessity, legal basis**

In the application relationship, we process personal data provided by applicant candidates in order to offer suitable jobs for the applicants, to determine their suitability for jobs requested by customers or planned by us, to decide on the establishment of an employment relationship or to propose and present the applicants to our customers for a suitable job.

Certain data is required for the processing of applications or for the conclusion of a contract. An automated decision making process does not take place.

*Legal basis is Art. 6 I 1 b i.V.m. Art. 88 I DSGVO in conjunction with § 26 I 1 BDSG. In the case of consent given, the legal basis is Art. 6 I 1 a i.V.m. in this respect. Art. 9 II a in conjunction with Art. 88 I DSGVO in conjunction with § 26 II BDSG.*

In the employment or placement relationship with employees or candidates, we process personal data provided by employees or candidates insofar as this is necessary for the performance or termination of the employment relationship or the placement contract (e.g. final payment, transmission of qualification profiles to customers).

*Legal basis is Art. 6 I 1 b i.V.m. Art. 88 I DSGVO in conjunction with § 26 I 1 BDSG. The data processing is necessary for the execution of the employment relationship and for the fulfilment of the resulting obligations.*

We process personal information for legitimate business purposes in the conduct of our business that are related to the role and function of the employee in our company. This can be the internal dissemination of contact and image data (e.g. on the intranet) and/or external publication (e.g. on our company websites, in print products for marketing, in social networks and/or vis-à-vis contractual partners). **An external publication takes place exclusively in special cases and after previous separate, written consent by the employee.**

*Legal basis is Art. 6 I 1 a i.V.m. Art. 9 II a in conjunction with Art. 88 I DSGVO in conjunction with § 26 II BDSG.*

In addition, we process personal data because we are subject to extensive public law regulations, in particular from tax law and social security law, collective agreements or company or service agreements (collective agreement).

*Legal basis is Art. 6 I 1 c i.V.m. Art. 88 I DSGVO in conjunction with § 26 III BDSG, as far as the processing of special categories of personal data is concerned.*

Ultimately, we process personal data on the basis of a justified interest, in particular to carry out quality measures. This includes customer surveys (e.g. by means of a customer questionnaire) or making one's own assessments. Furthermore, it is possible that we process personal data to assert claims or against claims or to defend in legal disputes.

*Legal basis is Art. 6 I 1 f DSGVO in connection with Art. 88 I DSGVO in conjunction with § 26 I BDSG.*

Certain data is required by law and contract for the execution of the contract, otherwise the employment or mediation relationship cannot be carried out.

### 3. Data categories

During an application or employment relationship, we may collect and process the following personal information and personal data in both paper and digital formats:

- Master data (first and last name, academic title, private address, telephone number, e-mail address, date and place of birth, gender, personnel number)
- marital status, children, religious affiliation and nationality
- if authorized representatives or contact persons are named: their master and private contact data as well as data on the type of representation and, if applicable, the degree of kinship
- qualifications and skills, in particular data on school, university and vocational qualifications, additional qualifications, certificates, knowledge of languages, special skills
- any data contained in the identity card, driving licence or other document of identification presented, as well as authentication data
- if applicable, data on the exercise of other dependent or independent activities and thus, if applicable, data on contract contents and contract partners
- Contract data (type of employment, collective agreement classification, level of employment, start/end of employment)
- organizational data
- Wage and wage payment data and, if applicable, other data on income and financial circumstances, in particular data on other income and incidental income, assets, pensions (expectancies), debts and liabilities.
- tax data, in particular tax ID, tax number, certificate in tax matters
- Social insurance data and professional association data
- performance data
- Business contact and communication data
- working time and absences, holidays, reasons for absences, travel times and periods of paid or unpaid leave (in this case maternity or parental leave)
- Data from postal, electronic and telephone communication between you and our company and between you and third parties.
- pictures
- Ergonomic data on workplace equipment and workplace design, material resources spent and company property used by you
- where appropriate, health data
- Other applicant data
- Police clearance certificate

### 4. Recipient categories

Personal data of applicants will be forwarded to the respective customer on the **basis of a specific application for one or more specific job advertisements limited to what is necessary.**

If a consent is present, personal data of applicants are passed on beyond that **extended for alternative job requirements to other customers.**

As far as possible, your data will initially be transmitted to the customer using a pseudonym, i.e. without mentioning your name.

*The legal basis is Art. 6 I 1 b DSGVO and Art. 6 I 1 a DSGVO.*

Recipients of personal data of employees are our customers if you inform us of a corresponding need or which request the data from us for the purpose of their own communication with you. Further recipients of personal data of employees are third parties (e.g. other internal employees) as well as our business partners or visitors to our websites and appearances in social networks, provided that you are listed there as a contact person in the external relationship.

*Legal basis is Art. 6 I 1 b i.V.m. Art. 88 I DSGVO in conjunction with § 26 I 1 BDSG. In addition, Art. 6 I 1 f in connection with Art. 8 II a in conjunction with Art. 88 I DSGVO in conjunction with § 26 I BDSG legal basis, whereby we assume that our interests in the passing on of these predominantly business data outweigh the basic rights and freedoms of the employee, which require the protection of the data. In the case of consent given, the legal basis according to Art. 6 I 1 a i.V.m. shall be Art. 9 II a in conjunction with Art. 88 I DSGVO in conjunction with § 26 II BDSG*

Recipients of data of both categories (applicants and employees) can be internal departments, service providers or contract processors who are entrusted with the execution of the necessary business processes (e.g. personnel administration, accounting, controlling, tax office, credit institutions, IT service providers) as far as this is necessary for the processing of the employment relationship or the mediation activity.

*Legal basis is Art. 6 I 1 b DSGVO and/or Art. 6 I 1 c i.V.m. Art. 88 I DSGVO in conjunction with § 26 III BDSG, if applicable.*

In addition, public authorities may receive the data by law (e.g. social security institutions, tax authorities) where we are required to do so by law, regulation, legal process or an enforceable government order, or where it can be reasonably assumed in good faith that access to, use of, retention of or disclosure of the data is reasonably necessary to comply with such obligations.

*Legal basis is Art. 6 I 1 c i.V.m. Art. 88 I DSGVO in conjunction with § 26 III BDSG, if applicable.*

If data is transferred to third countries or disclosed to bodies in third countries, the additional requirements will be observed. In accordance with these regulations, there is a contract prescribed by the DSGVO in accordance with the EU standard contract clauses.

This contract also guarantees the employees the prescribed protection rights when processing personal data in third countries. On the basis of this contract, the central processing of personal data is in accordance with the provisions of data protection law.

## 5. Storage period

We process and store data only as long as they are needed to achieve the agreed purpose, in particular to fulfil pre-contractual, contractual or statutory obligations arising from the business relationship. In principle, this is done for as long as the employment relationship exists and the data provided must be retained in order to comply with legal storage obligations. If the legal basis for processing the data no longer exists, the data shall be erased or, where this is not possible, blocked.

If we have a consent, we keep data until revoked, for a maximum of 24 months. In all other respects we store data according to the legal storage obligations in particular as follows:

- to the extent necessary to comply with the commercial and/or tax retention obligations to which our company is subject. The periods for the fulfilment of commercial and/or fiscal storage obligations amount to ten years according to the legal regulations for all documents, which are necessary for the profit determination; for business letters (also E-Mails) the storage period amounts to six years.

*The legal basis for this is Art. 6 I 1 c i.V.m. Art. 88 I DSGVO in conjunction with § 26 III BDSG if applicable*

- According to the provisions of the German Civil Code (Bürgerliches Gesetzbuch - BGB), statutes of limitations can be up to 30 years, whereby the regular statute of limitations is three years. We therefore retain the contractual documents and documents relating to the contract in accordance with these statutes of limitations in order to be able to conduct any necessary (judicial) disputes.

*Legal basis is Art. 6 I 1 f DSGVO*

## 6. Note on rights of data subjects

### Right of access (Art. 15 DSGVO)

The person concerned has the right to obtain access to data stored by the data controller. In particular, for what purpose and on which legal basis the processing takes place and how long the data are stored.

### Right to rectification (Art. 16 DSGVO)

The person concerned shall have the right to ask the data controller without delay to rectify or, if necessary, to complete the inaccurate personal data concerning him or her. The person responsible must make this correction immediately.

### Right to cancellation (Art. 17 DSGVO)

The person concerned has the right to demand that the responsible person delete the personal data concerning him or her without delay and the responsible person is obliged to delete personal data without delay if the processing of the data is no longer necessary, if the data subject withdraws his or her consent or has objected to the processing, if the personal data are processed unlawfully or if there is any other reason for deletion within the meaning of Art. 17 DSGVO and the responsible person is not entitled to object to the deletion.

### Right to limitation of processing (Art. 18 DSGVO)

The person concerned has the right to request the controller to restrict the processing if one of the conditions set out in Art. 18 DSGVO is met, for example during the examination, if the data subject has contested the accuracy or lawfulness of the personal data, or if a limited processing is requested instead of deletion in the case of an existing right to deletion. Furthermore, the processing will be restricted if the data is no longer required for the purposes pursued by us, but is required for the assertion, exercise or defence of legal claims, or if the successful exercise of an objection is disputed between the responsible person and the person concerned.

### Right of opposition (Art. 21 DSGVO)

If the data processing is based on a legitimate interest on our part or if it concerns direct advertising, the person concerned has the right to object to the processing of his/her personal data at any time for the reasons stated in Art. 21 DSGVO. The controller shall then no longer process the personal data unless he can prove compelling legitimate

reasons for the processing outweighing the interests, rights and freedoms of the data subject or the processing is for the exercise, exercise or defence of legal rights.

#### **Right to data transferability (Art. 20 DSGVO)**

The person concerned has the right, under Art. 20 DSGVO, to obtain personal data concerning him which he has provided to a data controller in a structured, common and machine-readable format, provided that such data have not already been erased, and he has the right to communicate such data to another data controller without obstruction by the data controller who provided the personal data.

#### **Right to appeal (Art. 77 DSGVO)**

Without prejudice to other legal remedies, every person concerned has the right to lodge a complaint with a supervisory authority pursuant to Art. 77 DSGVO if he or she is of the opinion that the processing of his or her personal data violates the DSGVO. The supervisory authority to which the complaint was submitted shall inform the complainant of the status and outcome of the complaint, including the possibility of a judicial remedy under Article 78 DSGVO.

#### **Right to revoke the declaration of consent under data protection law (Art. 17 I 1 b DSGVO)**

Every person concerned has the right to revoke his/her declaration of consent under data protection law at any time. The revocation of the consent does not affect the lawfulness of the processing carried out on the basis of the consent up to the revocation.

#### **Right not to be the subject of automated decision-making in individual cases, including profiling (Art. 22 DSGVO)**

Any person concerned shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects upon the data subject or significantly affects him or her in a similar manner. This shall not apply if the decision

- (1) is necessary for the conclusion or performance of a contract between the data subject and the person responsible,
- (2) is authorised by Union or national legislation to which the person responsible is subject and contains appropriate measures to safeguard your rights and freedoms and your legitimate interests; or
- (3) with the express consent of the data subject.

However, these decisions may not be based on special categories of personal data pursuant to Art. 9 I DSGVO, unless Art. 9 II a or g DSGVO applies and appropriate measures have been taken to protect the rights and freedoms as well as the legitimate interests of the data subject. In the cases referred to in (1) and (3), the data controller shall take appropriate measures to safeguard the rights and freedoms and the legitimate interests of the data subject, including at least the right to have the data controller intervene, to present his or her views and to contest the decision.