

Privacy policy for applicants¹ (recruiting)

The protection of your personal data is particularly important to us. We would therefore like to inform you below about our data protection principles, which HMF Smart Solutions GmbH undertakes to comply with in order to enable you to have a trustworthy application process.

According to Art. 4 No. 1 of the EU General Data Protection Regulation (GDPR), personal data is information relating to the personal or material circumstances of an identified or identifiable natural person. This includes information such as your name, your address, your telephone number and your date of birth, but also data about your specific career and qualifications, etc., which can be assigned to a specific person with reasonable effort (hereinafter referred to as "data").

This privacy policy applies in addition to our existing [general privacy policy](#), in which you will find specific information on how we process your data when you visit our website or for non-application-specific topics.

By submitting your application, you agree to these data protection provisions.

Controller and data protection officer

HMF Smart Solutions GmbH (hereinafter also referred to as "we" and "us") is responsible for the processing of your data.

The data protection officer will be happy to answer any questions you may have on data protection issues. You can contact our data protection officer by email at Datenschutz@hmf-germany.com.

Data collection

The application process requires applicants to provide us with the data necessary for their assessment and selection. You can submit your application to us either online via an applicant management system (recruiting software from a third-party provider), by e-mail or in paper form. Any application documents sent by post or email will be entered into the applicant management system and thus digitised. With this type of application, the applicant receives an automatic confirmation of receipt of the data submitted and digitised by us, provided that the applicant has a valid e-mail address. The data you submit to us online will be transmitted to us in encrypted form in accordance with the state of the art. When applying by e-mail, please note that e-mails are generally not sent encrypted on the Internet. As a rule, e-mails are encrypted in transit, but not on the servers from which they are sent and received. We can therefore accept no responsibility for the transmission path of the application between the sender and receipt on our server.

We collect and process the following categories of data as part of the applicant selection process:

- Contact and inventory data relating to your application profile (e.g. first and last name, address, date of birth, country, email, telephone number, mobile number, marital status, nationality).
- Training, performance and employment data as well as application documents (e.g. CV, cover letter, data on professional development, qualifications, skills, language skills, professional experience).

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- Other application documents (e.g. information on your desired salary, notice period, willingness to travel, your motivation, references and job-specific information).
- Special categories of data (e.g. information on disability, health or health restrictions). We only process this data to the extent permitted by law.

We may also obtain the above data about you from other sources, including external business partners, e.g. recruitment agencies. If you are hired through the use of a personnel service provider, we will store your data in the personnel file created for you. If the applicant is not hired for the relevant vacancy as part of this process, the entire applicant file will be deleted once the recruitment process has been completed. We may also receive data that you submit in professionally orientated social networks, such as Indeed Jobbörse, LinkedIn or from other publicly accessible sources (only if the data is relevant to your professional life). The purpose is to contact you about job offers or to check the accuracy of your details from the application documents. The respective social network is responsible for processing your data. You can find our job adverts on various job exchanges. This is a link that will take you to our careers website. In this case, your data will not be processed by the respective job boards.

Type and purposes of processing

We collect your data exclusively for the following purposes:

- ⇒ To initiate and establish the employment relationship.
- ⇒ To contact you if you should be considered for an alternative position.
- ⇒ To contact you on the basis of your unsolicited application.
- ⇒ To send you personalised information about job vacancies in accordance with your consent.

Legal basis

Your data is required for the implementation of and decision on the establishment of an employment relationship (Art. 88 GDPR in conjunction with Art. 6 (1) (b) GDPR). This means that we need and therefore process your data for the purpose of a possible recruitment.

In individual cases, we will obtain your consent to the processing or transfer of your data. This may be the case, for example, if your application is to be kept for a longer period of time or if your application is to be considered for another position within our company or another Group company (talent pool). In these cases, your consent is voluntary and can be revoked by you at any time in the future. The legal basis for this is Art. 6 (1) (a) GDPR.

If we obtain information from your public profile on professional social networks, we base the processing on our legitimate interest in forming a basis for a decision to establish an employment relationship with you. The legal basis is Art. 6 (1) (f) GDPR in conjunction with Art. 9 (2) (e) GDPR.

In addition, we process your data insofar as this is necessary for the assertion of legal claims and defence in legal disputes and this is necessary for the fulfilment of legal obligations. The legal basis for this is Art. 6 (1) (c) and (f) GDPR. In this context, we therefore process your data for fraud prevention and to fulfil documentation obligations, among other things. The legitimate interest is, for example, a burden of proof in proceedings under the General Equal Treatment Act (AGG).

Insofar as special categories of personal data within the meaning of Art. 9 para. 1 GDPR (e.g. health data, such as severely disabled status or ethnic origin) are requested from applicants as part of the application process so that we or the applicants can exercise the rights arising from labour law and social security and social protection law and fulfil our obligations in this regard, their processing is carried out in accordance with Art. 9 para. 2 letter b) GDPR, in the case of the protection of vital interests of applicants or other persons in accordance with Art. 9 para. 2 letter c) GDPR or for the purposes of preventive health care or occupational medicine, for the assessment of fitness for work, for medical diagnosis, health or social care or treatment or for the management of health or social care systems and services in accordance with Art. 9 para. 2 letter h) GDPR. In the case of communication of special categories of data based on voluntary consent, their processing is carried out on the basis of Art. 9 (2) (a) GDPR).

In addition, we process your data insofar as this is necessary for the assertion of legal claims and defence in legal disputes and this is necessary for the fulfilment of legal obligations. The legal basis for this is Art. 6 (1) (c) and (f) GDPR.

Your data will only be processed for purposes other than those mentioned above if such processing is permitted under Art. 6 (4) GDPR and is compatible with the original purposes. We will inform you about this processing before processing your data in this way.

Recipients of the data

As part of the application process, your data will be accessed by those who need it to fulfil our obligations and to carry out our internal processes (e.g. HR and the specialist departments for the position advertised). The employees authorised to access your data are obliged to maintain confidentiality and to protect business and trade secrets as well as data protection.

As a group of companies, there may also be an interest in passing on your applicant data to other group companies (affiliated companies within the meaning of §§ 15 ff. AktG). In these cases, we will obtain your consent to the processing and transfer of your data before transferring it.

In addition, data may be processed on our behalf on the basis of contracts in accordance with Art. 28 GDPR (order processing contracts), in particular by the provider of the personnel administration and applicant management software Personio GmbH (<https://www.personio.de/>). The data transmitted to Personio GmbH is transferred using TLS encryption and stored in a database on servers in Germany operated by this third-party provider. We are solely responsible for the data. Personio GmbH fulfils all requirements of the GDPR and is data protection compliant as a company and as software.

Insofar as these data recipients are located in countries outside the European Union (EU) and the European Economic Area (EEA) that have not been recognised by the European Commission as countries with an adequate level of data protection, we ensure that appropriate security measures are in place to guarantee such a level of data protection, for example by concluding EU standard contractual clauses of the European Commission with the data recipients. This also applies to affiliated companies within the group of companies.

Your data may be forwarded to law enforcement authorities and, if necessary, to injured third parties without your express consent if this is necessary to clarify unlawful behaviour or for legal prosecution. However, this only happens if there are concrete indications of unlawful or abusive behaviour. We are also legally obliged to provide information to certain public authorities on request. These are law enforcement authorities, authorities that prosecute administrative offences subject to fines and the tax authorities. This data is passed on on the

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basis of our legitimate interest in combating misuse, prosecuting criminal offences and securing, asserting and enforcing claims, provided that your rights and interests in the protection of your data do not prevail, Art. 6 para. 1 letter f) GDPR.

Storage of your data

We store your data for a period of 180 days after a cancellation. This is necessary for the burden of proof in proceedings under the AGG. This does not apply if the processing and storage of your data is necessary in the specific case for the assertion, exercise or defence of legal claims (duration of a legal dispute).

The data will be deleted after this period has expired. You have the option to withdraw your application at any time. This will result in your data being deleted from the applicant database immediately, subject to the following restrictions. However, if you wish individual data you have submitted to be deleted, we reserve the right to store your data for a limited period of 6 months in order to be able to fulfil the obligations to provide evidence under the AGG.

If your application is successful, we will store your personal data for the entire duration of your employment relationship in accordance with the information obligations for employees, which we will send you when you accept employment.

Inclusion in a talent pool

If we reject you, we may wish to store your application in our applicant database ("talent pool") for further contact. This further storage will only take place in consultation with you and with your consent. If you send us your unsolicited application and we do not currently have a suitable offer for you, your data will also be stored in our talent pool. You give us your consent to do this when you send us your application. If your unsolicited application is not of interest, you will receive a rejection. No further storage will then take place. If you are saved in our talent pool as a result of your application, we will use your data to keep in touch with you, e.g. for the placement of interesting job offers. If you expressly wish to be included in our talent pool by confirming our e-mail in this regard, we will store your data for a maximum of 12 months until you cancel your application. You will be informed one month before expiry and can thus extend the storage of your data in the talent pool by a further 12 months. After expiry of the term, your data will be deleted automatically and without separate notification.

Your rights (data subject rights)

You have extensive rights with regard to the processing of your data.

Right to information: You have the right to information about the data stored by us, in particular the purpose for which the data is processed and how long the data is stored (Art. 15 GDPR). This right is limited by the exceptions of Section 34 BDSG, according to which the right to information does not apply in particular if the data is only stored due to statutory retention regulations or for data backup and data protection control, the provision of information would require a disproportionate effort and misuse of the data processing is prevented by suitable technical and organisational measures.

Right to rectification of inaccurate data: You have the right to obtain from us without undue delay the rectification of inaccurate personal data concerning you (Art. 16 GDPR).

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Right to erasure: You have the right to obtain from us the erasure (Art. 17 GDPR) of data concerning you. These conditions apply in particular if a) the respective processing purpose has been achieved or otherwise ceases to apply, b) we have processed your data unlawfully, c) you have withdrawn your consent without the data processing being able to continue on another legal basis, d) you successfully object to the data processing or e) in cases where there is an obligation to erase based on the law of the EU or an EU member state to which we are subject. This right is subject to the restrictions set out in Section 35 BDSG, according to which the right to erasure may not apply in particular if, in the case of non-automated data processing, a disproportionately high effort is required for erasure and your interest in erasure is considered to be low.

Right to restriction of processing: You have the right to request that the processing of your data be restricted (Art. 18 GDPR). This right exists in particular if a) the accuracy of the data is disputed, b) you request restricted processing instead of erasure under the conditions of a legitimate request for erasure, c) the data is no longer required for the purposes pursued by us, but you need the data for the assertion, exercise or defence of legal claims or d) the success of an objection is still disputed.

Right to data portability: You have the right to receive the data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format (Art. 20 GDPR), provided that it has not already been erased.

Right to object: You have the right to object, on grounds relating to your particular situation, at any time to processing of data concerning you (Art. 21 GDPR). We will stop processing your data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or if the processing serves the establishment, exercise or defence of legal claims.

In accordance with Art. 7 para. 3 GDPR, you have the right to withdraw your consent to us at any time. The revocation does not affect the legality of the processing carried out on the basis of the previous consent. The only consequence of the revocation is that we may no longer continue the data processing based on this consent in the future.

Right in connection with automated decision-making: You have the right (Art. 22 GDPR) not to be subject to automated decision-making, including profiling, which produces legal effects concerning you or similarly significantly affects you. We generally do not use automated decision-making or profiling in employment matters. However, if you have been subject to an automated decision and do not agree with the outcome, you can contact us in the ways set out below and ask us to review the decision

Right to lodge a complaint with the supervisory authority: You have the option of contacting the above-mentioned data protection officer or a data protection supervisory authority if you believe that the processing of the data concerning you violates the GDPR.

To exercise these rights, please contact the HR department or the data protection officer using the contact details provided above. If you submit a request for information and there are doubts about your identity, we may request information from you that will enable us to verify your identity.

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