



Notice and declaration of consent for participants within the framework of the ESF 2014 - 2020

NOTICE FOR PARTICIPANTS (TO BE RETAINED BY THE PARTICIPANT)

What is the ESF and why is your data gathered?

The measure in which you are participating is supported by funds of the Federal State of Brandenburg and the European Social Fund (ESF). In order to ensure that the ESF measure and the necessary statistical reporting take place in accordance with European laws, it is necessary for certain personal data of the participants in accordance with Article 4 Number 1 GDPR to be processed¹ and therefore gathered and to be used by the Investment Bank of the Federal State of Brandenburg (ILB) and also by any institutions which are engaged in relation to the scientific support and evaluation of the ESF Brandenburg.² Therefore, we wish to comply with our information obligation in accordance with Article 13 GDPR and we would like to provide you with comprehensive information below in relation to the processing of your personal data.

On what legal basis and for what purpose is your data gathered?

The processing in accordance with Article 4 Number 1 GDPR and the gathering, saving and use of personal data in particular always takes place in the strictest confidence in the legal framework of the European provisions of the GDPR which apply to the ESF, as well as in accordance with the funding guidelines which form the basis of this measure and in compliance with the Data Protection Act of the Federal State of Brandenburg (Brandenburgisches Datenschutzgesetz).³ Personal data is only gathered, administered and saved to the extent that is necessary in order to implement the ESF support, to carry out reporting of an evaluative nature and to assess the results of the support.

In part, the data gathering takes place in accordance with Article 6 Paragraph 1 Letter c) and Paragraph 3 Letter a) GDPR in accordance with the guidelines of the European Commission on the basis of (EU) Regulation number 1304/2013 to the extent of Enclosure 1 of (EU) Regulation number 1304/2013 and on the basis of the operational programme of the Federal State of Brandenburg for the ESF during the support period 2014-2020. In addition, state and guideline specific personal data of participants to be processed with their declaration of consent in accordance with Article 6 Paragraph 1 Letter a) and Article 7 GDPR is only gathered for the purpose of carrying out, assessing, evaluating and checking the ESF programme. The purpose of the processing of your data is to ensure that support funds are deployed as best as possible and in particular for the participants themselves. It is not possible to participate in a measure supported by the ESF if the questionnaire is not filled in or completed in full by the participants.

What data is gathered? And at what time can / should this take place?

The questionnaire also includes information relating to protectable and sensitive data in accordance with Article 9 Paragraph 1 GDPR, such as ethnic minority status, disabilities or migrant background. This information is also gathered on the basis of annex 1 of (EU) Regulation number 1304/2013. However, it can be filled in with the response "decline to answer".

¹ (EU) Regulation 2016/679 concerning the protection of natural persons during the processing of personal data, the free movement of data and the revocation of (EC) Directive 95/46 (General Data Protection Regulation) dated 27 April 2016.

² The basis for this processing and therefore the gathering and use of personal data are binding legal regulations of the European Union - (EU) Regulations numbers 1303/2013 and 1304/2013.

³ Law for the protection of personal data in the Federal State of Brandenburg (Brandenburgisches Datenschutzgesetz - BbgDSG).

Personal data of the participants will be gathered on three or four occasions (see “data sheet on the collection of indicators in the context of ESF 2014-2020”):

1. At the start of your participation in relation to your professional and social situation
2. Up to ten days or four weeks after you leave the measure concerning your professional and social situation by the provider of the measure
3. Six months after the end of your participation in the measure concerning your professional situation
4. Personal data may also be gathered during and/or after your participation in the measure in a manner which is specific to the directive.

Who is engaged in the processing of your data / who is authorised to do this?

The provider of the measure in which you are participating is engaged in the gathering of the necessary personal data referred to above by means of an allocation decision and is obliged during this process to comply with the provisions under data protection laws as a controller in accordance with Article 4 Number 7 GDPR. In addition, the controller in accordance with Article 4 Number 7 GDPR is:

Ministry for Economy, Work and Energy (MWAE)
Heinrich-Mann-Allee 107
14473 Potsdam, Germany
Telephone: +49 (0) 331 866 - 0
Fax: +49 (0) 331 866 - 1533

In addition, the processing of personal data can also be carried out by an institution engaged by the MWAE for the purpose of scientific support. This institution is also obliged to comply with the provisions under data protection laws as a controller in accordance with Article 4 Number 7 GDPR.

The Investment Bank of the Federal State of Brandenburg (ILB) as an institution under public law has been engaged by the Federal State of Brandenburg in relation to the approval, implementation and accounting of the ESF support. It carries out the statutory tasks which have been assigned to it as an approval body in accordance with § 5 Paragraph 4 of the ILB Law in its own name with its own decision making powers and in relation to the processing of personal data within the framework of support measures of the ESF, it is therefore also a body with its own responsibility in accordance with Article 4 Number 7 GDPR.

Your personal data will be recorded electronically by the provider of the measure in the ILB portal and will be processed in the ILB portal in the form of a pseudonym in accordance with the requirements of the EU and the Federal State of Brandenburg.

Within the framework of the scientific support and evaluation of the ESF support prescribed by the EU, you may be subject to oral or written enquiries concerning your professional situation after participation in the measure and in order to evaluate the success of the measure. With your consent, the ILB can pass the data gathered from you for this purpose to a body which has been engaged in relation to the evaluation. This body is also obliged to comply with the provisions under data protection laws. Should personal data be gathered by the scientific support institution, this is passed on directly to the MWAE in the form of a pseudonym.

What is pseudonymisation and why is this used?

Your information in the form of personal data from the questionnaire is saved electronically and separately from you name, date of birth and contact data. The saving takes place under a username, so that the information can be traced back to this under certain conditions. This is called **pseudonymisation**. For checking purpose, the ESF Audit Authority, the European Commission, the European Court of Auditors and the State Court of Auditors of Brandenburg are authorised to view the information on request. In such a case, an amalgamation (**de-pseudonymisation**) may take place, if it needs to be checked whether the financial support provided by the European Union is correct. For example, auditors must be able to check whether number of participants reported to the European Commission is correct. This also includes checking whether the reported participants actually exist.

For all other purposes, in particular use by the MWAE which is responsible for the ESF support and the specialist ministries which are responsible for the funding guidelines, data will only be passed on in anonymous form. This means that for reporting to the European Commission or to national authorities, your name and address information will not be transferred at any time. Your personal data will be deleted immediately after completion of the reports and evaluations for the European Commission prescribed under (EU) Regulation number 1303/2013 and/or after the expiry of the retention period which is generally ten years prescribed by law, for example by the State Budget Ordinance, the Commercial Code, the Tax Code and the European State Aid Law. The longer retention period to be applied is taken as a basis.

You are entitled to the following rights under the GDPR:

Should your personal data be processed, you have the right to receive information about the data which is saved in relation to your person (Article 15 GDPR). Should incorrect personal data be processed, you have a right of rectification (Article 16 GDPR). In addition, in relation to the evaluation, you can request erasure or to have the processing restricted and can claim the right of data portability. You can also raise an objection against the processing (Articles 17, 18, 20 and 21 GDPR).

The lawfulness of the data processing which took place with your consent prior to the revocation is not affected by this. Following a revocation, the personal data can only be used in the case at hand for the purposes which remain necessary in order to fulfil the EU regulations. For example, this includes reporting to the European Commission. The consent relates to processing which is not directly prescribed by the EU regulations, for example consent to be contacted by the institution for scientific support. In such a case, the data for contacting by the institution for scientific support will be blocked at the time of revocation; it cannot be deleted, as it must also be retained for auditing purposes. **However, the revocation of consent to the processing of your personal data will lead to exclusion from participation in the measure.** Should you wish to claim these rights, please contact:

Data Protection Officer of the Investment Bank of the Federal State of Brandenburg (ILB)
Babelsberger Str. 21
14473 Potsdam, Germany

Telephone: +49 (0) 331 660 - 1256

Fax: +49 (0) 331 660 - 1555

<https://www.ilb.de/de/kontakt/kontakt-formular/investitionsbank-des-landes-brandenburg-ilb.jsp>

Contact data of the ILB as a controller in accordance with Article 4 Number 7 GDPR:

Investment Bank of the Federal State of Brandenburg (ILB)

Babelsberger Straße 21

14473 Potsdam, Germany

Telephone: +49 (0) 331 660 - 2200

Fax: +49 (0) 331 660 - 2400

<https://www.ilb.de/de/kontakt/kontakt-formular/investitionsbank-des-landes-brandenburg-ilb.jsp>

Data Protection Officer of the Ministry for Economy, Work and Energy

Dr. Ralf Kästner

Heinrich-Mann-Allee 107

14473 Potsdam, Germany

Telephone: +49 (0) 331 866 - 1653

Fax: +49 (0) 331 866 - 1533

E-mail: Ralf.Kaestner@mwae.brandenburg.de

You also have the right to complain to:

State Officer for Data Protection and File Access of Brandenburg

Stahnsdorfer Damm 77

14532 Kleinmachnow, Germany

Telephone: +49 (0) 33203 356 - 0

Fax: +49 (0) 33203 356 - 49

E-mail: Poststelle@LDA.Brandenburg.de

We also wish to point out that should you participate in a measure, you will be informed by the provider of the measure of all information which is relevant in accordance with data protection legislation. The same applies to the contact data of the data protection officer, should a data protection officer need to be appointed by the provider in accordance with Article 37 GDPR.

Application number: _____

Measure: _____

Funding recipient: _____

Declaration of consent for participants (to be retained by the provider of the measure)

1. I have been informed that the measure in which I am participating is financed by funds of the Federal State of Brandenburg and the European Social Fund. I agree to the processing and therefore the gathering, use and saving of my personal data solely for the purpose of the execution, scientific support and evaluation of the ESF programme hereby issue the provider of the measure with permission to gather the data which is necessary in order to evaluate the measure (see datasheet on the collection of indicators in the context of the ESF 2014-2020) and to pass this on to the Investment Bank of the Federal State of Brandenburg (ILB).⁴

Yes No

2. I agree that I may be asked questions in the future within the framework of the scientific management of the ESF support concerning my professional situation and for the success evaluation of the measure. Within the framework of this questioning, data concerning my social situation may also be gathered. In order to gather this data, institutions which have been engaged in the provision of scientific support may get in touch with me.

Yes No

The consent under 1 and 2 can be revoked by myself at any time with effect for the future. However, the revocation of consent to the processing of my personal data will lead to exclusion from participation in the measure. On request, I will receive a copy of the filled in "information and declaration of consent for participants" and/or information in the questionnaire (datasheet form). For this purpose, I can contact the provider of the measure in which I am participating or the data protection officer of the Investment Bank of the Federal State of Brandenburg directly at Babelsberger Str. 21, 14473 Potsdam.

At the same time, I wish to receive a copy of the following documents:

Advice and declaration of consent for participants Yes No

Questionnaire (data sheet form) Yes No

Surname, first name of the participant: _____

Date of birth: _____

Place, date

Signature of the participant

(In case of participants under the age of 18: signature of parents or legal guardian⁵ or not applicable)

Place, date, signature of parents or legal guardian

Confirmation of receipt

I hereby confirm receipt of a copy of the filled in "information and declaration of consent for participants within the framework of the ESF 2014-2020" and/or a copy of the questionnaire as stated.

Place, date

Signature

⁴ Should the consent not be issued here, no personal data will be recorded. It is not generally possible to participate in the measure.

⁵ Young persons who are capable of giving consent who are over the age of 16 can submit the declaration themselves. They must be asked whether they are of the opinion that they may submit the declaration themselves. In case of doubt, the consent of the parents should be obtained.