

STANDARD DATA PROTECTION DECLARATION FOR CANDIDATES

Version 2

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YOUR PERSONAL DATA IN THE APPLICATION PROCESS

Information about data protection

We are pleased you have chosen to apply at Schönherr Rechtsanwälte GmbH. Transparent and trustworthy handling of your personal data is an important foundation for successful collaboration. We wish to inform you how we process your data and how you can exercise your rights according to the General Data Protection Regulation (GDPR). The information below offers an overview of the collection and processing of your personal data in connection with the application process. Please read this Data Protection Declaration carefully before submitting your application. For further information of the processing of data by Schönherr Rechtsanwälte GmbH – also in relation to other cases than the application process – please refer to our data privacy statement available under www.schoenherr.eu/privacy-statementdisclaimer/.

1. General information

a) Who is responsible for the data processing?

The controller as defined by Art. 4 (7) GDPR is:

Schönherr Rechtsanwälte GmbH

Schottenring 19

1010 Wien

b) How can you contact the data protection officer?

For questions about data protection, please email dataprotectionAT@schoenherr.eu.

2. What is personal data?

According to Art. 4 (1) GDPR, personal data is all data that refers to an identified or identifiable natural person.

3. Which data is used?

The following data and data categories are processed within the application process:

- Applicant master data (first name, last name, title, email address, telephone number, address, date of birth, citizenship)
- Qualifications data (cover letter, personal statement, resume, previous experience, professional qualifications and skills)
- Voluntary information, such as a photo, disability status or other information that you voluntarily share with us in your application or voluntarily upload

- Additional questions depending on the respective position (e.g. driver's license, citizenship)
- Communication between you and us as well as comments and evaluations concerning you that are created during your application process
- Other data / data categories, e.g. publicly accessible professional data such as profiles on professional social media networks like XING or LinkedIn.
- Special categories of personal data: If you provide information in your application documents that falls into special categories of personal data as defined by Art. 9 (1) GDPR (e.g. information that implies your sexual orientation; information on your health; information that implies your ethnicity or religion), we will also process this data only within the legally permissible framework.

4. For what purposes do we process your data and on what legal basis?

a) **Data processing for purposes of employment**

We collect only personal data which you have disclosed in your job application e.g. academic degree, name, contact details, interests, CV, letter of motivation, reference letters and any other information and documents you have sent in. Your personal data is used for purposes of selecting personnel to fill open positions, in other words for initiating a contract of employment. The necessity and the scope of data collection are determined according to the position to be filled, among other factors.

Consent – Art. 6 (1) (a) and Art. 9 (2) (a) GDPR

The corresponding legal basis for this processing of your personal data is your consent, which you can withdraw at any time with immediate effect.¹

Furthermore, we also include you – based on your consent – in a candidate pool; in other words, we save your application documents after the current application process in order to consider you in subsequent application processes. This however only as long as it is permissible to keep your personnel data.

You can withdraw your consent at any time with immediate effect. Please inform us of this revocation by email to dataprotectionAT@schoenherr.eu. The legality of the processing of your data up to the time of revocation remains hereby unaffected.² Please note that we may have to suspend the application process, if you do not, or not sufficiently, provide us with your data required for the application or withdraw your consent to the processing of this data.

b) **Data processing based on a legitimate interest – Art. 6 (1) (f) GDPR**

¹ Art. 6 (1) (a) GDPR; see also Art. 9 (2) (a) GDPR.

² Art. 7 GDPR.

In certain cases, we process your data to safeguard a legitimate interest of ours or of third parties. A legitimate interest applies, for example, if your data is required for the establishment, exercise or defense of legal claims in connection with the application process (e.g. claims according to the Austrian Equal Treatment Act). In the event of a legal dispute, we have a legitimate interest in processing the data for evidential purposes.

5. With whom is your data shared?

Your data is primarily processed by our Human Resources department. In some cases, other internal and external parties also participate in processing the data.

Internal parties could be specialized areas or departments of our company as well as other "Schönherr-Offices"³.

Our external service provider is Prescreen International GmbH. Prescreen International GmbH, Mariahilfer Straße 17, 1060 Vienna (hereafter "Prescreen"), operates the e-recruiting system Prescreen under the domain *.jobbase.io (hereafter "jobbase.io"), where companies can post job ads as well as receive and manage applications.

As part of these activities, Prescreen processes personal data solely on behalf of and for the purposes of Schönherr Rechtsanwälte GmbH and is therefore considered a processor according to Art. 4 (8) GDPR.

Jobbase.io is the central platform for our applicant tracking. When using our online form, your personal data is entered directly into jobbase.io. When an application is submitted by post or email, your data may also be transferred to the e-recruiting system.

6. For how long is your data stored?

- (1) We store your personal data for as long as necessary for making the decision concerning your application. If you are not hired for the position in question, we may continue to store your data to the extent necessary for defending against possible legal claims. Your data will normally be deleted within seven months after the end of the application process.
- (2) If you are not hired but you have granted us consent to save your data ("candidate pool"), we will store your data until revocation of your consent or for a maximum of 5 additional month. Where specifically justified, we may also store your data for a longer time period for the purpose of defending against possible legal claims.
- (3) If you retract your application before the end of the application process (in other words, if you delete your data and your account), the stored data will be restricted for the period of

³ We provide legal advice in approx. 15 jurisdictions, each with its own offices. These offices are legally organised as branch offices, subsidiaries or permanent cooperation partners of Schönherr Rechtsanwälte GmbH (Status: October 2020).

the continued application process and permanently deleted once seven months have elapsed after the end of the application process.

- (4) If you are no longer using your candidate profile and have not granted consent for continued data storage in the candidate pool, the data will be deleted within seven months after the end of the application process.
- (5) You can at any time submit a deletion request for your candidate profile, request a restriction of processing of your submitted data or revoke your consent to the processing of your personal data at any time. However, please note that in these cases we may have to suspend the application process.

7. What rights do you have in connection with the processing of your data?

- (1) You can request information on whether we are storing personal data concerning you. Upon your request, we will inform you of what data is involved, the purposes for which the data is processed, who the data is shared with, for how long the data will be stored and what other rights you have in relation to this data.
- (2) You also have the right to rectification or erasure of your data. You can also request that we make all personal data that you have shared with us available to you, another person or a company of your choice in a structured, commonly used and machine-readable format.
- (3) You also have the right not to be subjected to a decision based solely on automated processing (including profiling) that produces legal effects concerning you. Within the context of the application process, we do not use any exclusively automated processes for making decisions.
- (4) You have the right to object at any time, on grounds relating to your particular situation, to processing of personal data concerning you which is based on Art. 6 (1) (e) GDPR (data processing for reasons of public interest) or on Art. 6 (1) (f) GDPR (data processing for safeguarding of a legitimate interest), including profiling based on those provisions. If you lodge an objection, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights, and freedoms or for the establishment, exercise or defense of legal claims.
- (5) You also have the right to lodge a complaint with the competent supervisory authority.
- (6) To exercise your rights, you can contact us by email dataprotectionAT@schoenherr.eu. We will process your requests as quickly as possible according to the statutory requirements and inform you of the measures we have taken or will take.

8. Are you obligated to provide your personal data?

The provision of personal data is required neither by law nor by contract, nor are you obligated to provide the personal data. However, the provision of personal data is required for conducting the

application process. In other words: if you do not provide us with any personal data along with an application, we cannot conduct the application process. Furthermore, please note, that we may have to suspend the application process, if you do not or not sufficiently, provide us with your data required for the application process or revoke your consent in relation to already provided data.

9. What happens if you interrupt your online application?

You can interrupt the creation of your online application at any time and continue it later. The platform utilizes technically necessary cookies for this purpose. Data is transmitted to jobbase.io during the application process. In other words: data you have provided for creation of a user account and any uploaded documents are entered into jobbase.io. The data remains here if you interrupt and/or do not conclude an application. In this case, your application is marked as incomplete, but the data remains visible to our company, to a limited extent.

You can view, edit or update the data you have provided within the context of the online application at any time in your candidate profile.

If you make no further changes in your candidate profile, such as concluding an ongoing application, starting a new application or changing the data of an existing application, your data will be deleted within seven months after completion of the last active application process.

You can submit a request for erasure of your candidate profile and your application documents at any time.

Please note that in case of submitting such a request, we have to suspend the application process.

10. Receive reminders concerning your continued application

In general, candidates will receive an automated e-mail reminder 6 months and two weeks after completion of the last active application process, informing them that their data will be deleted shortly and asking them whether they also want to be considered for job openings in the future (i.e. candidate pool) and in the affirmative, their consent for further data storage for 5 months is required. If the candidate has made changes to his or her profile, after the last active application process has been completed, the automated reminder will be sent out 6 months and two weeks after the last changes have been made.

The corresponding legal basis of this further processing (including sending out these reminders) is our legitimate interest⁴ as well as your consent⁵, which you can withdraw at any time with immediate effect.

For candidates, which already in course of their application agreed to a longer storage period and did not revoke this consent etc, an automatic e-mail reminder will be sent 2 weeks prior to the end of this deletion period. Also in this case the candidates will be informed that their data will be deleted shortly and whether they agree to a further storage of their data for another 12 months. The corresponding legal basis of this further processing (including sending out these reminders) is

⁴ Art. 6 (1) (f) GDPR.

⁵ Art. 6 (1) (a) GDPR.

our legitimate interest⁶ as well as your consent⁷, which you can withdraw at any time with immediate effect.

Please note that if you do not give your consent or revoke the latter, we may not be able to consider you for further job openings in the future.

11. Supplement to the Data Protection Declaration by Prescreen

Schönherr Rechtsanwälte GmbH is not responsible for the data processing described below; the controller in this case is Prescreen:

Prescreen International GmbH

Mariahilfer Straße 17

A-1060 Vienna

If you have questions for Prescreen International GmbH concerning data protection law, please contact datenschutz@prescreen.io.

a) Automated collection of usage data

When accessing the domain jobbase.io, your web browser automatically sends certain usage data for technical reasons. This information is stored separately from other data in log files. Prescreen collects the following information:

- Date and time as well as duration of the access
- Browser type/version
- Operating system
- URL of the previously visited web page
- Quantity of data transmitted
- A GeoIP lookup is performed based on your IP address (Internet Protocol address)
- Names of the accessed files
- http status code (e.g. "request successful")
- URL of the accessed web page

⁶ Art. 6 (1) (f) GDPR.

⁷ Art. 6 (1) (a) GDPR.

- Access type (GET, POST)

This data is technically required in order to offer the functions of the e-recruiting system and to ensure the stability and security of the system. It is stored by Prescreen for a period of 12 months. Data that must be further retained for evidential purposes is excepted from the erasure until final clarification of the respective case.

The legal basis for processing of the data is Art. 6 (1) (f) GDPR.

b) Cookies

Prescreen uses cookies. These serve for making the online application more user-friendly and efficient. The cookies are technically required in order to make this website available to you. It would not be possible to operate the website without using the cookies. There is therefore no option to refuse use of the cookies.

The legal basis for processing of the data is Art. 6 (1) (f) GDPR.

The following cookies are used by Prescreen:

Provider	Cookie	Purpose	Duration of storage
Prescreen	PHPSESSID	This cookie serves identify the user during the use of Prescreen. The cookie is absolutely necessary for correct functionality of the website. The cookie is valid only until closing of the browser.	Until the browser window is closed (session cookie).
Prescreen	REMEMBERME	This cookie serves to restore an expired session. The cookie is absolutely necessary for correct functionality of the website.	The cookie is valid for 2 weeks.