

Information to be provided in accordance with Art. 13 and Art. 14 GDPR - Processing of personal data in the scope of the creation and publication of photos and film or audio recordings

By providing this information, we want to give you an overview of how we process your personal data when creating and publishing photos, film and audio recordings and inform you about your rights in relation to such processing.

Who is responsible for data processing and who is your point of contact if you have any questions or want to exercise your rights?

The **controller** responsible for processing personal data is

Hochschule Esslingen – University of Applied Sciences
Kanalstraße 33, 73728 Esslingen am Neckar

E-Mail: info@hs-esslingen.de
Telephone: 0711 397 - 49

In accordance with Art. 37 of the General Data Protection Declaration (GDPR), we have appointed a **data protection officer**. If you have any questions or you want to exercise your rights under data protection law, you can contact the data protection officer at the address specified above by adding

“z.Hd. Datenschutzbeauftragter der Hochschule Esslingen”
or via e-mail: datenschutz@hs-esslingen.de

Which data do we collect and how do we obtain them from you?

- We process photos and film and audio recordings that we create on various occasions at Hochschule Esslingen and, in some cases, also the name and the function of the data subject. This includes scheduled photo shootings, film shootings and interviews (e.g. as part of an interview about a project at the higher education institution or in connection with reports to be published), public events and internal events. In some cases, special categories of personal data may also be processed. If this is not an inevitable side effect (such as taking a photo of a person wearing glasses or a hijab) but a targeted action, it is considered processing data within the meaning of Art. 9 GDPR.

Such processing is, as a rule, based on explicit consent, meaning that Hochschule Esslingen informs the person giving consent about the processing of special categories of personal data, unless Hochschule Esslingen is entitled to data processing on the basis of another exception which applies in the individual case.

- If the published material also serves the purpose of making a person stand out (e.g. top of the class, head of the research project) and honouring them, additional personal data such as the name or the function / role are processed in addition to the photos and film or audio recordings.
- The material we publish is either given directly to us by the data subjects or created by us. In exceptional cases, we also publish material given to us by third parties for this purpose. The material is only passed along if the data subjects have given their consent. As a rule, employees of Hochschule Esslingen create the material at events or photo shootings, film shootings and interviews scheduled by us. In exceptional cases, we also commission external service providers (e.g. photographers) in accordance with data protection law. These external service providers are not entitled to use the material for their own purposes. Representatives of local newspapers who may report on events in their own interest and may provide us with their material may also be invited to our events.
- When processing your personal data for hosting or recording online presentations or similar formats via video conference systems, we will also process certain connection data in addition to your video and audio data.

What is the purpose of processing your data?

- We create the photos and film and audio recordings for documentation purposes and for public relations purposes. To some extent, the material may also be created at events offered by us in the fields of research, teaching and studying. The photos or film recordings created by us at internal events also serve commemorative purposes.
- We use various media outlets to publish material that has also been created for public relation reasons. We regularly publish such material on our website, on the university premises, on the intranet and on social media. In addition, this material may also be published in the magazine of Hochschule Esslingen, in the daily newspapers, which are published locally, in print and online media, flyers and information materials.
- Photos taken at internal events are not published universally, unless we have obtained the data subjects' consent to do so. The photos are made available to a limited audience only, e.g. other participants of the internal event or on the intranet.
- Depending on the situation, your personal data may also be processed for hosting or recording online presentations or similar formats via video conference system.

What is the legal basis for processing your personal data?

- As a rule, we process photos taken by us of individual persons based on consent in accordance with Art. 6 paragraph 1 (a) GDPR or on a contract concluded with the data subject in accordance with Art. 6 paragraph 1 (b) GDPR.
- Taking overview and group photos or photos in which the persons appear as accessories is also based on consent or a contract in accordance with Art. 6 paragraph 1 (a) and (b) GDPR or in accordance with Art. 6 paragraph 1 (e) GDPR in conjunction with Art. 4 of the data protection act of the Land of Baden-Württemberg (*Landesdatenschutzgesetz, LDSG*) and Art. 2 of the act on the higher education institutions in the Land of Baden-Württemberg (*Landeshochschulgesetz, LHG*) in the scope of carrying out a public task of the higher education institution. The data are processed for purposes of public relations of the higher education institution and thus for carrying out a task in the public interest. While complying with the principle of proportionality and balancing our interest to provide lively and extensive reports about life at our higher education institution and your right to your own image, we comply with section 22 and the categories defined in section 23 of the German act on copyright to works of art and photography (*Gesetz betreffend das Urheberrecht an Werken der bildenden Künste und der Photographie, KunstUrhG*), which have been recognised and been a standard for many years.
- If data are processed for editorial or journalistic purposes, the basis for the data processing are the specific provisions set out in section 57 of the German interstate broadcasting agreement (*Rundfunkstaatsvertrag, RStV*) and section 12 of the act on the press of the Land of Baden-Württemberg (*Landespressegesetz, PresseG BW*) as well as sections 22 and 23 KunstUrhG.

To whom do we transmit your personal data?

- The data are processed by the host of the event and by employees of Hochschule Esslingen assisting the host. These are usually employees working in communications. They look at the data and select the data suitable for publication.
- Employees of Hochschule Esslingen are responsible for the technical operations, the design and the implementation of our website. The photos and film recordings are not transmitted to third parties or to processors commissioned by Hochschule Esslingen.
- For hosting video conferences, Hochschule Esslingen uses the processor T-Systems International GmbH.
- If we publish photos or film and audio recordings on social media, we transmit your personal data to the platform operators, which may also process the data transmitted for their own purposes. We are not able to influence data processing by the providers. For more information on data processing by the providers of these platforms, please refer to their respective privacy policies and terms of use:
 - Facebook, Instagram:
Data policy: <https://de-de.facebook.com/about/privacy/update>
Terms of Service: <https://de-de.facebook.com/terms>
 - YouTube:

Privacy policy: <https://policies.google.com/privacy>

Terms of use: <https://www.youtube.com/static?gl=DE&template=terms&hl=de>

○ LinkedIn:

Privacy policy: <https://de.linkedin.com/legal/privacy-policy>

User agreement: <https://de.linkedin.com/legal/user-agreement>

- When creating print media, we collaborate with various printing offices.

In individual cases, we also collaborate with the local press.

Are my data transferred to a third country or an international organisation?

- Please see the documentations of the **social media platform** providers for any questions relating to third-country transfers. The transfer of data to third countries entails risks. According to a decision of the European Court of Justice, third-country authority powers can interfere with the basic rights of EU citizens to a disproportionate degree. Moreover, no effective legal protection can be provided. The transfer of personal data is based on your consent in accordance with Art. 49 paragraph 1 (a) GDPR.
- In order to provide the **video conference services**, our processor T-Systems International GmbH has engaged the subcontractor Cisco International Ltd., UK, which transfers individual data (pseudonymised host name, meeting site address (URL), start and end time of the meetings) to the US. This transfer by our processor is covered by an adequate level of data protection by standard data protection clauses (Art. 46 paragraph 2 (c) and (d) GDPR).

How long do we store your data?

- The host of the event and communications staff look through and evaluate the material. Any material not suitable for publication and/or documentation purposes is deleted. The material is evaluated within four weeks after the (last) event. After 13 months, Hochschule Esslingen decides if the stored material is still to be stored. This is always the case if the material still needs to be stored for documentation purposes or due to statutory requirements.
- Other storage periods may apply to data processing by social media platform providers. Revoking consent or requesting the deletion of data may not be possible due to the different prevailing national legal situations.
- For the personal data processed in connection with our video conference system, the following applies: User-generated data will be deleted 60 days after a user account is deactivated at the latest. The processor will delete the registration, hosting and usage data seven years after the contract has been terminated.

In order to be able to provide proof, Hochschule Esslingen stores the declarations of consent of all data subjects until the last photo or film recording of the event has been deleted.

This does not apply if it is obvious that Hochschule Esslingen has been given consent for the material stored or the storage is not based on consent. We reserve the right to digitise the declarations of consent.

What are your rights?

You have the right of access (Art. 15 GDPR), the right to rectification (Art. 16 GDPR), to erasure (Art. 17 GDPR), to restriction of processing (Art. 18 GDPR), to object (Art. 21 GDPR) as well as the right to data portability (Art. 20 GDPR).

More information on the right of access and the right to erasure is available in German at:

<https://www.baden-wuerttemberg.datenschutz.de/wp-content/uploads/2013/02/DSK-Kurzpapier-6-Auskunftsrecht.pdf>

https://www.baden-wuerttemberg.datenschutz.de/wp-content/uploads/2017/08/DSK_KPNr_11_Recht-auf-Vergessenwerden.pdf

You have the right to withdraw your consent at any time. The withdrawal of **consent** does not affect the lawfulness of processing based on consent before its withdrawal.

Please note that revoking consent or requesting the deletion of data that have been published on **social media platforms** may not be possible due to the different prevailing national legal situations.

If the processing of your data is based on Art. 6 paragraph 1 (e) GDPR for carrying out a task in the public interest, you have the right to object to the lawful processing in accordance with Art. 21 GDPR. Please inform the photographer if you do not wish to be photographed or filmed. We will try to respect your wish. However, this will not always be possible in larger groups, e.g. at big events. In this case, you can contact us at Presse@hs-esslingen.de. We are confident that we will find a solution.

In addition, you have the right to lodge a complaint with the data protection supervisory authority of the Land of Baden-Württemberg:

Der Landesbeauftragte für den Datenschutz und die Informationsfreiheit Baden-Württemberg
Lautenschlagerstraße 20
70173 Stuttgart

<https://www.baden-wuerttemberg.datenschutz.de>

Please use the contact details at the top of this information sheet to exercise your rights. Thank you very much.