

Data protection statements as per articles 13 and 14 of the General Data Protection Regulation

Dear parents,

Collaboration requires trust. And trust is generated by transparency. With this letter, we would like to inform you about the ways in which we process your personal data as well as your children's personal data. In addition, we are providing you with information about your rights as per the General Data Protection Regulation (GDPR). Since the protection of personal data lies at the heart of the GDPR, we would like to briefly explain in advance what this term means: personal data is any information relating to an identified or identifiable natural person. This information could be a name, a photograph or an email address.

I.

Who is responsible for the data processing?

Flachsland Zukunftsschulen gGmbH
 Flachsland 29
 22083 Hamburg
 Tel. 0049 (0)40-20 00 03-0
 Fax 0049 (0)40-20 00 03-66
 Email info@flachsland-hamburg.de

Whom can you contact should you have questions?

Interne Datenschutzbeauftragte
 Andrea Heller
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 22083 Hamburg
 Tel. 040-20 00 03 52
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 Email datenschutz@flachsland-hamburg.de

II. Which data do we use and where do we get them from?

We process the personal data we receive from you. Such personal data can include names, addresses, telephone numbers, bank details and information regarding important health issues (e.g. allergies). In addition, we receive data from you concerning third parties, e.g. contact details of people who are permitted to pick up your child or who can come quickly in a case of emergency.

III. What is the purpose of data processing and what is the legal basis for it?

- a. **Fulfilment of contractual obligations (article 6(1)(b) of the GDPR):** The processing of personal data takes place so that we can fulfil our contractual obligations as detailed in the supervision contract.
- b. **Consent (article 6(1)(a) of the GDPR):** Consent has to be given for further data processing.
- c. **Fulfilment of legal requirements or in the public interest (article 6(1)(c)(e) of the GDPR):** As a public institution, we are subject to legal obligations regarding data processing. These include the Regional Framework Contract for Child Care in Day Care Facilities (*Landesrahmenvertrag Kinderbetreuung in Tageseinrichtungen*, LRV), the Hamburg Child Care Act (*Hamburger Kinderbetreuungsgesetz*, KIB), the Child and Youth Welfare Law as per the Social Security Code VIII (*Sozialgesetzbuch VIII*, SGB VIII) as well as tax and social security requirements.
- d. **Legitimate interests (article 6(1)(f) of the GDPR):** We may process your personal data beyond the fulfilment of the contract in order to safeguard our own or third parties' legitimate interests. This may, for example, be to provide IT security, to prevent criminal offences or to help with investigations into criminal offences, to ensure our householder's rights or to secure our institution.

IV. Whom do we share your information with? Do we pass your data on to a third country?

Within the institution, only those employees have access to your data, who require the information to fulfil our legal or contractual obligations. In addition, we sometimes pass on certain data to the respective parents' representatives if they need it to perform their duties.

In accordance with article 28 of the GDPR, we also take advantage of external service providers, who process data for billing purposes – these service providers are also obliged to comply with data protection regulations.

In addition, we may share your data if you have given us permission to do so or if we are legally authorised or obliged to do so. The latter particularly applies to when we pass on data to public bodies such as the Youth Welfare Office (*Jugendamt*), the Health Department (*Gesundheitsamt*), the Office for Employment, Social Affairs, Family and Integration (*Behörde für Arbeit, Soziales, Familie und Integration*) or the Tax Office (*Finanzbehörde*).

As a rule, we do not pass on personal data to service providers in countries outside the European Economic Area or to international organisations.

V. For how long do we store your data?

We only store and process your data for the duration of the contract or for as long as necessary to meet legal requirements.

Upon termination of the contract, our power to process your data also expires. Your data will be erased upon termination of the contract, unless e.g. tax obligations (article 6(1)(c) of the GDPR, section 147 of the Revenue Code (*Abgabenordnung, AO*)) or legitimate interests (article 6(1)(f) of the GDPR) justify the continued storage.

VI. Which rights does the GDPR give you?

- The **right of access** as per article 15 of the GDPR in conjunction with section 34 of the Federal Data Protection Act (*Bundesdatenschutzgesetz, BDSG*)
- The **right to rectification** as per article 16 of the GDPR
- The **right to erasure ('right to be forgotten')** as per article 17 of the GDPR in conjunction with section 35 of the Federal Data Protection Act (*Bundesdatenschutzgesetz, BDSG*)
- The **right to restriction of processing** as per article 18 of the GDPR
- The **right to data portability** as per article 20 of the GDPR
- The **right to withdraw consent** as per article 7 of the GDPR
- The **right to object** as per article 21 of the GDPR
- The **right to lodge a complaint** with a supervisory authority as per article 77 of the GDPR in conjunction with section 19 of the Federal Data Protection Act (*Bundesdatenschutzgesetz, BDSG*):

Officer for Data Protection and Freedom of Information in Hamburg

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VII. Do you need to provide personal data?

To establish, fulfil and terminate the childcare relationship, we need you to provide us with at least some reference data. If you do not want to provide us with any personal data, we will refuse to conclude the contract or terminate an existing contract without notice.

VIII. To what extent do we rely on automated decision-making, and is the data used for profiling?

In accordance with article 22 of the GDPR, we neither use fully automated decision-making tools nor do we use the data to automatically assess personal aspects.