



## **How we handle your data and your rights**

Information in accordance with articles 13 and 14 GDPR – valid from 25.05.2018

With this data protection notice we will inform you in accordance with the EU General Data Protection Regulation (DS-GVO) about the processing of personal data by us as well as your rights.

### **1. Who is responsible for the data processing and who can I contact for help?**

The institution responsible is:

Studierendenwerk Münster AÖR (Student Support Services Münster AÖR)

Studierendenwerk Münster AÖR (Student Support Services Münster AÖR)

Bismarckallee 5, 48151 Münster

Phone: + 4925 837 0

[info@stw-muenster.de](mailto:info@stw-muenster.de)

[www.stw-muenster.de](http://www.stw-muenster.de)

You can reach our data protection officer at:

c/o Studierendenwerk Münster AÖR

Bismarckallee 5

48151 Münster

Tel.: +49 251 8379705

[dsb@stw-muenster.de](mailto:dsb@stw-muenster.de)

### **2. Which data do we process and for what reasons? Which sources do we use?**

We process personal data, which we need to fulfil our statutory social charter, here to provide a day care place for your child.

#### **a) Application for admission**

### Information about the child

Name, first name, birth date, gender, nationality, family language, address, desired date of admission, multilingualism, special characteristics (e.g. allergies, food intolerances, chronic illnesses, particular support needed), names and birthdates of siblings, siblings already in the institution, previous care situation (e.g. relatives, another institution of the Student Support Services)

### Information about the custodian

Name, first name address, telephone number (mobile, work, or private – it is obligatory to name one of them), e-mail address, birth date, profession, working hours (proof required), if he/she is a student: subject, number of semesters, objective of studies, expected end of studies (proof required), status married, special social difficulties, registrations in other child care facilities, possibly facilities visited, preferred facilities, required booking times.

### **b) Child care contract (most of the information from the admission contract is incorporated in the care contract and is then supplemented with more information)**

Information about the child:

Name, first name, birth date, nationality, address, sibling children, admission date, information about the term of the spot, weekly day care times, health insurance

Information about the custodian

Name, first name, birth date, address, telephone number (mobile, work, or private – it is obligatory to name one of them), e-mail address

### **c) Data in the children's files**

Child care contract (duplicate), note by the day care facility's management about the inspection of the examination record and the immunisation record, note by the day care facility's management about the inspection of the certificates of matriculation or employment, copy of the education and participation certificate, immunisation advice confirmation by the treating paediatrician that the child has no contagious diseases and is fit for attending the day care facility, declaration of consent to educational documentation, educational documentation (photos, learning history, logs of conversations with parents, language level sheet, the child's drawings) – these are handed to the parents upon leaving the day care centre – declaration of consent, photo documentation, transfer of the authorisation to pick up the child to another person, contact details for emergencies, instruction regarding § 34 of the German Protection against Infection Act (IfSG), all further official documents with regard to the well-being of the child (e.g. special educational needs)

**d) Photos and film recordings of the children for:**

- the educational documentation (portfolio) in accordance with the Children's Education Law (KiBiz) with which we follow and present the development of your child over time in our centre and which we store internally while your child visits our centre.
- Documentation of projects in the public sector within the day care centre (internally)
- Passing on of group photos to you and other parents
- Presentation of recordings/photos at events in the day care centre (parents' evening, celebrations)
- Publication/Posting on the internet and social media of the Student Support Services (extra declaration of consent will be obtained beforehand, with an exact description of the intended publication)
- Publication in printed flyers of the Student Support Services (a separate declaration of consent will be obtained beforehand, with a specific description of the planned publication)

We film and take photographs of your children on various occasions (e.g. celebrations and excursions, but also everyday and educational situations). The photography and filming are important elements in the documentation of our work. Moreover the photos and the films will be very important for your memories.

The photos and film sequences are used to vividly illustrate for you and the children the projects and special game and learning situations. We would like to show you our work in a transparent way and present the facilities to the public.

You can revoke your consent completely or partially at any time (more information about this below). In this case recordings/photos will not be used by us again. Recordings/photos that have been published/posted will, however, not be retracted. Furthermore a revocation does not affect the legality of the earlier data processing.

Recordings on the internet will be removed immediately in the event of objections insofar as we have influence on the matter. However the nature of the internet is such that once recordings have been posted it is possible that they cannot be removed everywhere.

The purpose of data processing is the conclusion as well as the execution and implementation of a childcare contract.

Your or your child's data will be collected either

- a) directly from you, i.e. you provide us with your data
- b) from the day care centre's data bank, which is solely the responsibility of the city of Münster

The management of the day care centre as a rule logs in to the portal weekly, can see all the data, possibly prints it out and places a checkmark for the waiting list. The priority notice will only be deleted from the day care centre's waiting list if the child's data has been removed or if the child was accepted in a facility.

### **3. On which legal basis do we process your data?**

We process personal data in compliance with the regulations of the General Data Protection Regulation (DS-GVO) and the other data protection laws as well as laws for the childcare day centres.

- a) Within the framework of your consent to photos and films (Art. 6 paragraph 1a DS-GVO, which you can revoke at any time (for more information, see below)
- b) To fulfil contractual obligations (Art. 6 paragraph 1b DS-GVO), here: The initiation, the performance as well as the termination of a child care contract.
- c) For the fulfilment of legal obligations (Art. 6 paragraph 1c DS-GVO in conjunction with § 12 paragraph 3 Children's Education Act (i.e. KiBiz) in conjunction with §§ 47, 98 ff. Social Security Code VIII
- d) For the performance of a task, which is in the interest of the public and was assigned to the Student support Services (Art. 6 paragraph 1e DS-GVO in conjunction with § 2 StWGNRW, §§ 10, 12 KiBizNRW,
- e) For the purpose of the balancing of interests to protect our legitimate interests (Art. 6 paragraph 1 f DS-GVO). Our legitimate interests here are: the verification of entitlement, the examination of the compliance with the award criteria of day care centre spots.

### **4. Who receives your data?**

When a child care contract is concluded all of the necessary contract data will be processed internally. In the Student Support Services, only those persons have access to your data that require it for the proper carrying out of the child care relationship, which are the manager or the responsible educator of the facility as well as the accounting department for the settlement of the parents' contributions. The photos of the children are passed on to the Department of Marketing & Communication for the purpose of publication upon receipt of your written consent.

Insofar as photos of your child are developed, this is carried out by an online service such as DM. Only the image data is uploaded; no other personal data of you or your child.

Your data is transmitted in anonymised form in accordance with § 12 paragraph 3 KiBiZ to the State office for Information and Technology, the supreme state youth authorities, the regional body responsible for public youth welfare services. Insofar as your data is transmitted directly to us via the child care navigator of the city of Münster, the responsibility for this application tool is solely that of the city.

#### **5. Is your data transmitted to a third country or to an international organisation?**

Our data processing takes place in Germany and the EU. No data is transmitted to a third country or an international organisation.

#### **6. How long will the data be stored?**

The child care contract, the application for admission and the declarations of consent are stored for 10 years. If a child care contract is not concluded, your data will be deleted after 12 months.

The development reports, interview transcripts, the emergency and pick-up list will be deleted immediately when the child leaves the day care centre. If inquiries are to be expected from counselling or diagnostic centres, the two named first will be store for approximately six weeks. Any information to third parties requires the written release of the parents from their obligation of confidentiality.

The educational documentation is given to the children upon leaving the facility. The photos that we produced for the documentation will then be deleted immediately. If they have been published in printed publications, on the homepage or have been

posted on social media, we will leave them there unless you have revoked your consent.

## **7. Which data protection rights do you have?**

If you have consented to our processing your personal data via a declaration of consent, you can revoke your consent for the future at any time. The legality of the data processing, which was carried out in the period up to the time of revocation, is not affected by the revocation. The revocation can basically be submitted and does not need to follow a particular form. For reasons of documentation, however, we would ask you to submit the revocation per post or e-mail using the contact details given at the beginning of this information sheet. For the subject please use “revocation of consent”. If you revoke your consent we will not continue to process the relevant personal data and will delete it unless a legal provision allows the processing to be continued (Art. 7 DS-GVO).

We will immediately delete photos and films that we have published on our homepage or on our social media immediately upon receipt of your revocation. Please note, however, that this cannot mean that this will include a final deletion of the material from the internet as it cannot be ruled out that the data can be found e.g. in temporary files, or screenshots of third parties.

If your personal data is processed, you have the right to receive information about your personal data (Art. 15 DS-GVO).

If incorrect data has been processed, you have the right to correction of said data (Art. 16 DS-GVO).

If there are legal preconditions, you can demand the deletion or limitation of the processing (Art. 17 and 18 DS-GVO).

Under certain conditions you have a right to the transmission of your personal data, which you provided us with, in a structured, conventional machine-readable format if the processing is based on consent or a contract and is carried out with the help of automated processes (Art. 20 DS-GVO).

Should you want to exercise one of your rights mentioned above, we will check if the legal preconditions for this are fulfilled and you will receive from us an appropriate notification. If necessary we will ask you to identify yourself; we are obligated to do so if there are any doubts.

You can contact us at any time if you have questions hereto or any other questions regarding the topic of personal data or if you have complaints. You will find our contact details at the beginning of this data protection declaration. Moreover you have the right to complain to a responsible data protection authority, for example to the State Commissioner for Data Protection and Freedom of Information (Landesbeauftragten für Datenschutz und Informationsfreiheit) LDI NRW, Kavalleriestr. 2 – 4, 40213 Düsseldorf.

## **8. Revocation of consent**

You can at any time revoke consent given us for the processing of personal data with effect for the future by sending us an appropriate message. This also applies to the revocation of declarations of consent given to us before the DSGVO (i.e. the GDPR) became valid, that is before May 25, 2018. Please note that the revocation is only effective for the future. Processing that took place before the revocation is not affected.

Basically the revocation can be sent to us without any formal requirements. However, for reasons of documentation we would ask you to send the revocation to us by post or e-mail with the subject “revocation” and with your name and address.



As a precaution we would like to point out that after you revoke consent another complete or partial data processing could be carried out by us if there is a further legal basis for it.

## **9. Case-by-case right to object**

You have the right to file an objection – for reasons that are the result of your special situation – against the processing of your personal data, which is carried out on the basis of article 6 paragraph 1 letter f GDPR (data processing on the basis of a balancing of interests).

There are no requirements as to the form of the objection you submit to us. However, for reasons of documentation we would ask you to send us the objection by post or e-mail with the subject “objection” and with your name and address.

If your objection is justified, we will no longer process your personal data unless we can prove compelling legitimate reasons for the processing which outweigh your interests, rights and freedoms, or if the processing serves the assertion, the exercise or defence of legal rights.

## **10. Is there an obligation to provide data?**

Within the framework of an application for admission and the child care contract, you must provide that personal data that is required for the justification, execution and termination of the contractual relationship and for the fulfilment of contractual duties relating thereto or the collection of which we are legally obligated to carry out.

Without this data we would not be able to enter into a child care contract with you. All other details are voluntary. If the details in an application for admission are not complete, it might be possible that a child care contract cannot be concluded.

Insofar as data – which is not mandatory information – is collected in a form, the “mandatory fields” are marked as such. Entering further data is then voluntary.

### **11. How can you receive further information?**

If you have any further questions, please get in touch with your usual contact persons who will gladly help you, or contact our Data Protection Officer, using the contact details listed above. Please note that in cases of part-time positions or holidays/illness the handling of the answers to your questions may be somewhat delayed. Thank you very much.

Status of this data protection notice: May 2018