

This information provides transparency about the way the Federal Employment Agency (hereinafter referred to as "BA") deals with the personal data of its customers (private individuals and companies). The protection of personal data is very important, therefore, the processing of personal data is carried out in compliance with statutory provisions, in particular, with the provisions of the General Data Protection Regulation of the European Union (GDPR) and the Social Code.

## 1. Responsible Party for Data Processing

The responsible party for the processing of personal data is the Federal Employment Agency (BA), represented by its Executive Board, Regensburger Str. 104, 90478 Nürnberg.

## 2. Data Protection Officer

The data protection officer of the BA, Ms. Barbara Rüstemeier, can be reached at the following address: Federal Employment Agency, Judiciary/Data Protection/Compliance, Regensburger Str. 104, 90478 Nürnberg or at the following E-mail-address: [Zentrale.JDC-Datenschutz@arbeitsagentur.de](mailto:Zentrale.JDC-Datenschutz@arbeitsagentur.de) or via the contact form offered in the portal. The data transmission using our contact form is carried out via an encrypted SSL connection.

## 3. Processing Purposes

### 3.1 Online Offer of the BA

The BA processes personal data in order to be able to make online offers available to the respective addressees, at [www.arbeitsagentur.de](http://www.arbeitsagentur.de). Additionally, personally identifiable information is temporarily stored when the online portal is accessed to evaluate the user behaviour, and to improve the online offer, as well as to be able to understand and penalise abusive behaviours. You can see further details under "[Data Protection Declaration](#)".

### **3.2 Statutory Responsibilities**

The BA processes data for the purpose of performing its statutory responsibilities in accordance with the Sozialgesetzbuch (SGB; German Social Security Code). It is committed to the economic provision of cash and non-cash benefits and services. These include, for example, counselling and placement purposes and the granting of unemployment benefits and basic benefits for job seekers according to SGB II. In addition, personal data is also processed when issuing work permits, monitoring the payment of contributions, making reimbursement claims from other service providers or other entities, or combating abuse of benefits. The same applies to the issuing of certificates, as well as to the granting of insolvency money and similar benefits. Employee data that the employer must report to the BA, as well as all data collected for the execution of tasks of the BA are, among others, processed for the purposes of labor market and occupational research and for statistical purposes.

### **4. Legal basis for processing:**

The data processing by the BA is based in particular on Art. 6 para. 1(c) GDPR in conjunction with §§ 67 ff SGB X, SGB III, SGB II as well as special statutory regulations.

Additionally, according to Art. 6 para. 1(a) GDPR also permits data processing if the data subject has given his/her consent.

### **5. Recipient or Categories of Recipients**

The data categories mentioned in Section 7 may be transmitted to third parties for the purpose of the legally required execution of tasks of the BA, for example:

Other social service providers (for example, German pension insurance, health insurance), employers, training companies, training/education providers, contracting physicians, tax offices, customs authorities, law enforcement agencies and security authorities (e.g., police, prosecutors, constitutional protection), courts, other third parties, such as: municipal offices, vehicle registration office, Federal Ministry for Labour and Social Affairs (BMAS), Federal Central Tax

Office, Federal Court of Audit, Federal Office for Migration and Refugees, processor (e.g. scan service operator, IT service providers), landlords (if paid directly to them), utility companies (if at this directly paid), debt counselling (only with the consent of the person concerned), addiction counselling (only with the consent of the person concerned), psychosocial care (only with the consent of the person concerned), schools (only with the consent of the person concerned), external research institutes (only for research applications approved by the Federal Ministry for Labour and Social Affairs, BMAS), etc.

## 6. Duration of Data Storage

For data on the use of services, cash benefits and benefits in kind pursuant to SGB III, there is a data retention period of 5 years after the case was terminated. A termination of the case occurs when a person received a job requiring social insurance has been taken out, the customer has logged off due to self-employment or for other reasons, no further support by the employment agency takes place (e.g. pension, parental leave, etc.), unless it special benefits are granted or there is ongoing litigation. The 5 years serve accounting purposes, in accordance with the principles of the Federal Budget Code (BHO).

For data to be reported to the tax authorities, a storage period of 7 years applies.

For data on the use of services, cash and in-kind benefits under SGB II, there is a storage period of 10 years after the case was terminated. A case is terminated in this context if the need for assistance ceases or for any other reason no longer qualifies for benefits, unless it special benefits are granted or there is ongoing litigation. The 10-year period is based on the statutory possibility of reclaiming benefits if it becomes known, during that period, that benefits have been wrongly granted.

If supported by the European Social Fund, the data will be stored for 13 years after the case was terminated, as this will be in the accounts of the EU and it is based on EU regulations (Article 140 of Regulation (EU) No 1303/2013).

If a claim of the BA (recovery/refund letter/loan) is still open, the data will be kept for 30 years in accordance with the provisions of the Code of Civil Procedure and the Civil Code, because

only then will the claim become statute-barred. The calculation of the time limit depends on the enforcement attempt.

If the Medical Service or the Professional Psychological Service of the BA was involved, the data generated by these specialist services will be deleted after 10 years in accordance with the relevant professional code.

## **7. Categories of personal data**

In particular, the following data categories are processed by the BA:

### **a) Master data incl. contact details**

These are, for example:

Customer number, community name, surname, first name, date of birth, place of birth, address, telephone number (optional), e-mail address (optional), username and password (using the online services), marital status, citizenship, residence status, pension/social security number, bank account

### **b) Data from Benefit Recipients**

These are, for example:

Proof of income, proof of assets (only SGB II), time-frame of services received, amount, type, housing and heating needs (only SGB II), data on maintenance claims/recourse claims, data on health insurance, pension insurance, long-term care insurance, data on duration and termination of employment, Enforcement data, data on procedures under the Administrative Offenses Act (OWiG).

### **c) Career counselling and placement/integration data:**

These are, for example:

Curriculum vitae, evidence of degrees etc., information on knowledge and ability, driving licence, qualification (school and vocational), efficiency, motivation, general conditions (mobility, voluntary information: family situation, financial situation, housing situation), data based on the commission of third parties (e.g. measure carrier, medical service, professional psychological service), documentation of the customer contacts as well as decisions e.g. in the form of counselling - and mediation notes, data on job offers, job applications (if not anonymised) and possibly feedback from employers

#### **d) Health Data**

These are, for example, data for care in the rehabilitation area, assessments or statements by the medical service of the BA, the medical service of the health insurance, the professional psychology service of the BA (including career choice test etc.) and possibly, by the technical advisory service of the BA.

#### **e) Reporting data from employers on the verification of contributions to unemployment insurance**

#### **f) Research data (survey data) and statistical data**

#### **g) Data in the permit procedure according to the Temporary Employment Act (AÜG)**

These are, for example, information from the application, findings from a tax audit, information from other agencies or authorities

### **8. Rights of Affected Persons**

#### **a) Information**

Everyone has the right to ask the BA for confirmation of the processing of personal data concerning him. If such processing is available, information about all processed data can be requested.

### **b) Correction/Completion**

If it is proven that the personal data processed at the BA are incorrectly or incompletely recorded, these will be corrected or completed immediately upon discovery.

### **c) Deletion**

If it is verified that personal data have been processed in error, the data will be deleted without delay. This also applies if the data is no longer needed for task completion. The storage periods are decisive for the assessment of this situation, taking account of accounting periods or recovery periods (see remarks on retention period).

## **9. Withdrawal of Consent**

If data are processed on the basis of the consent of the person concerned, the consent can be withdrawn at any time with future effect, without stating any reason. The processing carried out until the withdrawal remains unaffected.

## **10. Right to Appeal**

Affected persons have the opportunity to contact the Federal Commissioner for Data Protection and Freedom of Information (Husarenstrasse 30, in 53117 Bonn), if they believe that the processing of their data is in breach of the General Data Protection Regulation.

## **11. Duty to Cooperate, Information Obligations and Consequences of Non-compliance**

Anyone who has applied to the BA for social benefits (i.e., services, benefits in kind and cash) or is required to do so by the BA is obliged to cooperate. This means that the data subject must provide all service-related facts, as well as changes in personal circumstances that may affect eligibility for granting such services. The obligations to co-operate also applies in the context of placement services. The obligations to cooperate also include the submission of documents

relevant to the decision, the consent to obtain information from third parties, personal appearance with the service provider and, if applicable, the consent to carry out medical or psychological examinations. The obligations to cooperate arise from the Social Code. In case of non-compliance, the services may be denied or withdrawn. In addition, sanctions can be imposed or blocking periods may occur.

## **12. Data Sources (publicly accessible)**

The BA may, in compliance with statutory requirements, collect personal data from other public and non-public bodies or persons. These could be e.g. other social service providers, employers, training companies, contract physicians, measure/education providers, etc. In addition, personal data may also be obtained from public sources, such as internet, registration registers, commercial registers, land registries, etc.

## **13. Automated Decision-making**

Within the framework of the placement process, the job requirements are compared with the applicant's competences in an automated way, in order to enable a precisely tailored placement (so-called matching). The following criteria are used, among others:

Working hours, places of practice, occupations, training places, starting date, knowledge and skills, language skills, education, time limit, disability (with consent), school grades, driving licences, vehicles (mobility), highest educational level, travel and assembly readiness, weekly lessons, work experience, industry, German language skills, company size.

The higher the degree of overlapping between the person's competencies and the requirements of the job offer, the more likely is a corresponding placement proposal. However, the decision as to whether or not to make a placement proposal is made by the placement/counselling expert.

#### **14. Change of Purpose**

The use of personal data for purposes other than the original purpose of data collection is only permitted within the framework of the purposes mentioned in point 3, provided the new purpose is compatible with the purpose of the survey.