

PRIVACY INFORMATION FOR OUR EMPLOYEES AND GUESTS

1. DATA CONTROLLER, ART. 4 GPRD

Staatsbetrieb Sächsische Staatstheater – Staatsoper Dresden und Staatsschauspiel Dresden
Theaterplatz 2, 01067 Dresden (Deutschland)

2. DATA PROTECTION OFFICER

DID Dresdner Institut für Datenschutz
DS-Beauftragter@saechsische-staatstheater.de

3. PURPOSES AND LEGAL BASIS OF PROCESSING OF PERSONAL DATA

We process your personal data in accordance with the provisions of the European Data Protection Regulation (GDPR) and the German Federal Data Protection Act (German: *Bundesdatenschutzgesetz, new version 2018, BDSG*), insofar as this is necessary for the employment relationship. The legal basis for this is Art. 88 GDPR in conjunction with § 26 BDSG and, if applicable, Art. 6 (1) letter b GDPR for the initiation or implementation of contractual relationships. In addition, we are also subject to the Saxon Data Protection Implementation Act (German: *Sächs. Datenschutzdurchführungsgesetz, e.g. § 11 Processing of Employee Data*).

Further details or additions to the purposes of data processing can be found in the respective contractual documents, forms, a declaration of consent, as well as, if applicable, service instructions/agreements and other information provided to you (such as work instructions/organizational guidelines or circulars). We would like to point out at this point that as a public institution of the Free State of Saxony, we are subject to certain exceptions regarding the retention of documents. In addition, this data protection information may be updated from time to time, about which you will receive separate notification.

The legally binding and leading version of this Privacy Information is the one in German language. With the English translation of relevant contents of our privacy policy, we want to inform you transparently about how we process your data.

3.1 Purposes for the fulfillment of a contract or pre-contractual measures, Art. 6 (1) letter b GDPR

Personal data is processed for the purpose of establishing, implementing and terminating the employment, cooperation or contractual relationship with you, such as for the following purposes: payroll, billing for contractual services, contract preparation, disposition, verifiability of transactions, appraisal, fulfillment of due diligence, personnel development, travel and event management, authorization and keycard management, internal and external communication, employee-related insurance and pension plans, emergency management, billing and tax assessment of company services (e.g., canteen meals, in-house tickets), vehicle management including driver's license control, billing via company credit card, occupational safety/health protection, assertion of legal claims and defense of legal disputes, ensuring integrity, monitoring by supervisory or control bodies (e.g. internal audit) to verify compliance with laws and service instructions (using contact data for the purpose of interview).

We process image and sound recordings in the artistic performing area, within the scope of the employment relationship, for the performance and recording of rehearsals, performances, etc.

3.2 Purposes within the scope of a legitimate interest of the Saxon State Theatres or third parties, Art. 6 (1) letter f GDPR

Beyond the actual performance of the (preliminary) contract, the Saxon State Theatres may process your data if it is necessary to protect legitimate interests of the Saxon State Theatres or third parties. Processing of your data will only take place if and to the extent that no overriding interests on your part speak against corresponding processing, such as for the following purposes:

Assertion of legal claims and defense in legal disputes that are not directly related to the contractual relationship; building and facility security (e.g., through access controls and video surveillance); further development of existing systems and processes; internal and external investigations; security audits; obtaining and maintaining certifications of a private or official nature; communication on the intranet/employee magazine/employee newsletters; documentation, storage and archiving of certain data for the purposes of internal and external publications; press and public relations (e.g., online presence as well as publications in print, online and multimedia products of the Saxon State Theatres - in particular for the presentation of artistic performances, whereby the rights can also be transferred to third parties such as photographers), naming within the scope of the tendency sponsorship; coordination of the company health management.

3.3 Purposes within the scope of your consent, Art. 6 (1) letter a GDPR

Your personal data may also be processed for certain purposes (e.g. use of company communication systems for private purposes; photos/videos of you for publication on the intranet/Internet) on the basis of your consent. Generally, you can revoke this consent at any time. This also applies to the revocation of declarations of consent given to the Saxon State Theatres before the GDPR came into force, i.e. before May 25, 2018. You will be informed separately about the purposes and about the consequences of revoking or refusing consent in the relevant text of the consent. In principle, the revocation of consent will only take effect for the future. Processing that took place before the revocation is not affected by this and remains lawful.

3.4 Purposes for the fulfillment of legal requirements, Art. 6 (1) letter c GDPR or in the public interest, Art. 6 (1) letter e GDPR

Like anyone who participates in economic activity, the Saxon State Theatres are subject to a variety of legal obligations. Primarily, these are legal requirements (e.g. *Sächsisches Personalvertretungsgesetz*, *Sozialgesetzbuch*, commercial and tax laws), but also supervisory or other official requirements (e.g. *Berufsgenossenschaft*). The purposes of processing may include identity and age verification, fraud and money laundering prevention (e.g. matching with European and international anti-terror lists), ensuring occupational safety, fulfilling control and reporting obligations under tax law, and archiving data for data protection and data security purposes, as well as for the purposes of audits by tax consultants/auditors, tax and other authorities. In addition, the disclosure of personal data may become necessary in the context of official/court measures for the purposes of gathering evidence, criminal prosecution or the enforcement of civil law claims.

4. SOURCES OF THE DATA

We process personal data provided by you for the purpose of establishing as well as implementing the employment relationship. Insofar as this is necessary for the contractual relationship with you and the activity performed by you, the Saxon State Theatres may process data permissibly received from other bodies or from other third parties, about which we will inform you separately if necessary in accordance with Art. 14 GDPR.

5. RECIPIENTS OF THE DATA

Within the company, those internal organizational units (such as supervisors, IT department, accounting, artistic management office, costume workshops) receive your data that require it to fulfill the contractual and legal obligations, or in the context of processing and implementing their legitimate interests.

Your data may be passed on to external service providers who process our data on behalf of the Saxon State Theatres as processors or joint controllers (e.g. software companies, security companies, travel agencies/travel management). Insofar as the Saxon State Theatres authorize service providers for commissioned processing, your personal data will be processed on our behalf on the basis of commissioned processing agreements pursuant to Art. 28 GDPR. In this way, we ensure that the processing of personal data is carried out in accordance with the provisions of the GDPR. If there is a shared responsibility according to Art. 26 GDPR, you will receive separate information from us.

Otherwise, data will only be forwarded to recipients outside the Saxon State Theatres if this is permitted or required by law, if the forwarding is necessary for the processing and thus the fulfillment of the employment contract, if we have your consent or if we are authorized to provide information. Under these conditions, recipients of personal data may be, for example, public bodies and institutions (e.g. employers' liability insurance association, health insurance companies, tax authorities) if a legal or official obligation exists. Possible further recipients receive your data insofar as it is necessary for the establishment or fulfillment of the contract or insofar as this is directly necessary for the employment relationship (e.g. artist agencies, suppliers, customers, cooperation partners).

In addition, there is the possibility of data transfer if this is in the public interest.

6. TRANSFER TO A THIRD COUNTRY

If it is necessary to fulfill a contractual obligation to you (e.g., in the case of a posting abroad), if it is required by law (e.g., tax reporting obligations), if it is in the legitimate interest of the Saxon State Theatres or a third party (e.g., guest performance trip), or if you have given your consent to the Saxon State Theatres, personal Data is transferred to bodies in countries outside the European Economic Area EU/EEA (so-called third countries). In this context, the processing of your data in a third country may also take place in connection with the engagement of service providers within the framework of commissioned processing. If there is no EU Commission decision on an adequate level of data protection for the country in question, the Saxon State Theatres will ensure that your rights and freedoms are adequately protected and guaranteed by means of appropriate contracts in accordance with EU data protection requirements. Information on the appropriate or adequate guarantees and how and

where to obtain a copy of them can be obtained upon request from the Data Protection Officer of the Saxon State Theatres.

7. DURATION OF DATA STORAGE

In principle, the Saxon State Theatres process and store your data for the duration of the contractual relationship. This also includes the initiation of a contract (pre-contractual legal relationship).

In principle, we are subject to various storage and documentation obligations, which result, among other things, from the German Commercial Code (German: *Handelsgesetzbuch*) and the German Fiscal Code (German: *Abgabenordnung*). The periods prescribed there for storage or documentation are two to ten years. Finally, the storage period also depends on the statutory periods of limitation, which, for example, according to §§ 195 et seq. of the German Civil Code (German: *Bürgerliches Gesetzbuch*), are generally three years, but in certain cases can be up to thirty years.

Furthermore, as a public institution of the Free State of Saxony, we are obliged to offer all documents to the Saxon State Archives and have them evaluated. Only after a negative evaluation about the archival value is a deletion of personal data possible. On the other hand, documents that have been evaluated by the Saxon State Archives as being worthy of archiving cannot be deleted. We refer to §7 of the Saxon Data Protection Implementation Act (German: *Sächs. Datenschutzdurchführungsgesetz*) and § 5 and § 6 of the Saxon Archives Act (German: *Sächs. Archivgesetz*).

8. YOUR RIGHTS

Every data subject has the right of access (Art. 15 GDPR), the right of rectification (Art. 16 GDPR), the right of erasure (Art. 17 GDPR), the right to restriction of processing (Art. 18 GDPR), the right of notification (Art. 19 GDPR), and the right to data portability (Art. 20 GDPR). In addition, you have the right to lodge a complaint with a data protection supervisory authority (Art. 77 GDPR) if you believe that the processing of your personal data is not lawful. The right of appeal is without prejudice to any other administrative or judicial remedy.

If the processing of data is based on your consent, you are entitled to revoke your consent to the use of your personal data at any time (Art. 7 GDPR). However, the revocation will only take effect for the future. Processing that took place before the revocation is not affected by this.

Insofar as the processing of your personal data is carried out for the protection of legitimate interests (Art. 6 (1) letter f GDPR), you have the right (Art. 21 GDPR) to object to the processing of this data at any time for reasons arising from your particular situation. We will then no longer process this personal data unless we can demonstrate compelling legitimate grounds for the processing. These must override your interests, rights and freedoms, or the processing must serve the assertion, exercise or defense of legal claims.

Please also refer to Section 8 of this Privacy Information in connection with your rights.

9. NECESSITY OF PROVIDING PERSONAL DATA

You only need to provide the data that is required for the establishment and implementation of the contractual relationship or for a pre-contractual relationship with the Saxon State Theatres, or which the Saxon State Theatres are legally obliged to collect. Without this data, the Saxon State Theatres will generally not be able to conclude the contract or carry it out further. This may also refer to data required later within the framework of the contractual relationship. If the Saxon State Theatres request data from you in addition to this, you will be informed separately about the voluntary nature of the information.

10. AUTOMATED DECISION MAKING

The Saxon State Theatres do not use any purely automated decision-making processes pursuant to Art. 22 GDPR. If the Saxon State Theatres do use such a procedure in individual cases in the future, they will inform you of this separately, insofar as this is required by law.