

Data Privacy Information according to Art. 13, 14 and 21 GDPR: *Compliance Whistleblower System (Status:08/2022)*

In the following, we inform you about the processing of personal data by Forschungszentrum Jülich in the context of the whistleblower system as well as about the associated data protection regulations, claims and rights.

Personal data is any information relating to an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data or an online identifier.

Forschungszentrum Jülich uses web-based software, a cloud solution hosted in Germany, which assists in the detection of operational wrongdoing. By implementing such a system, criminal, illegal, morally reprehensible or unfair actions can be detected and prevented at an early stage. As a result, incalculable material and immaterial damages as well as reputational damage can be averted.

Name and Address of the controller

Controller for the purposes of the General Data Protection Regulation (GDPR), other data protection laws applicable in Member states of the European Union and other provisions related to data protection is:

Forschungszentrum Jülich GmbH
Wilhelm-Johnen-Straße
52428 Jülich
Deutschland

Website: www.fz-juelich.de E-Mail: info@fz-juelich.de

Name and Address of the Data Protection Officer

The Data Protection Officer of the controller is:

Frank Rinkens
Forschungszentrum Jülich GmbH
Wilhelm-Johnen-Strasse
52428 Jülich
Deutschland
Tel.: +49-2461-61-9005

Website: www.fz-juelich.de E-Mail: DSB@fz-juelich.de

1. Purpose of Data Processing

Forschungszentrum Jülich processes the personal data of the whistleblower(s), unless the whistleblowing was done anonymously, as well as the personal data of the accused person(s), such as name and other communication and content data, exclusively for the purpose of receiving and following up on tips about criminal, illegal, morally reprehensible or unfair acts in a secure and confidential manner.

2. Categories of personal data processed

- Information about the whistleblower (unless the whistleblower wishes to remain anonymous) and the accused, such as
 - first and last name
 - function/title
 - contact details
 - Other personal information related to the employment relationship, if applicable.
- Personal information identified in the reconnaissance team reports (see item 4), including details about the allegations made and evidence supporting those allegations

- The date and time of calls (when the tip was received via the telephone hotline)
- Any other information identified in the investigation findings and in the follow-up process to the report, e.g., information about criminal conduct or data about unlawful or improper conduct, if reported

3. Legal Basis

The collection of the whistleblower's personal data in the case of a non-anonymous whistleblower is based on consent to the processing by the transmission of the data (implied consent) (**Art. 6 para. 1 p. 1 lit. a GDPR**). The collection, processing and transfer of personal data of the persons named in the notification serves the legitimate interests of Forschungszentrum Jülich (**Art. 6 para. 1 p. 1 lit. f GDPR**). It is a legitimate interest of Forschungszentrum Jülich to detect, process, stop and sanction violations of the law and serious breaches of duty by employees throughout the center, effectively and with a high degree of confidentiality, and to avert associated damage and liability risks for Forschungszentrum Jülich (**Sections 30, 130 OWiG**). **Directive (EU) 2019/1937 ("EU Whistleblower Directive")** and the future Whistleblower Protection Act (currently in draft form) also require the establishment of a whistleblower system in order to provide employees and third parties with the opportunity to provide protected information about legal violations within the company in a suitable manner. The disclosure of personal data to other recipients in the case of non-anonymous reporting may be necessary due to a legal obligation (**Art. 6 para. 1 p. 1 letter c GDPR**).

4. Recipients of personal data and Transfer of data to a third country or an international organisation

All personal data collected via the web-based software is only made accessible to those persons who have a legitimate need to process this data due to their function. The compliance officer of Forschungszentrum Jülich is in charge of the initial processing of incoming tips. If the tip is received via the telephone hotline, the tip will be recorded in the whistleblower system while preserving the anonymity of the whistleblower. Employees who receive information are bound to secrecy (see below).

At Forschungszentrum Jülich, only authorized employees from the following departments have access to the data (Clarification Team):

- Compliance Officer of Forschungszentrum Jülich
- Representation of the Compliance Officer
- Required internal departments to be contacted in the course of the reconnaissance process

In some cases, the company is required to disclose the data to authorities (such as those with legal or regulatory jurisdiction over the employer, law enforcement agencies and legal bodies) or external advisors (such as auditors, accountants, lawyers).

If whistleblowers provide names or other personal data (non-anonymous information), their identity will not be disclosed - as far as legally possible - and it will also be ensured that no conclusions can be drawn about the identity of the whistleblower.

If personal data is processed by external service providers, this is generally done on the basis of order processing contracts in accordance with Art. 28 GDPR. In these cases, we ensure that the processing of personal data is carried out in accordance with the provisions of the GDPR and that all persons authorized to process personal data have committed themselves to confidentiality or are subject to an appropriate legal duty of confidentiality. The whistleblower system is operated on our behalf by LegalTegrity GmbH, Platz der Einheit 2, 60327 Frankfurt/Main.

There is no transfer of personal data to third countries (EU/EEA foreign countries).

5. Storage period, deletion of data

The personal data will be retained in the respective proceedings for as long as is necessary for the clarification and final assessment, for a legitimate interest of Forschungszentrum Jülich or for a legal requirement. Afterwards, this data will be deleted in accordance with the legal requirements. The duration of storage depends in particular on the severity of the suspicion and the reported possible breach of duty.

6. Technical details when using the whistleblower system

Communication between your computer and the whistleblower system takes place via an encrypted connection (SSL). The IP address of your computer is not stored during the use of the whistleblowing system. To maintain the connection between your computer and the whistleblower system, a cookie is stored on your computer, which

only contains the session ID. The cookie is only valid until the end of your session and becomes invalid when you close the browser.

7. Data subject rights

You have the following rights in connection with the processing of personal data concerning you:

- According to Art. 7 GDPR, you have the right to withdraw your consent to data processing at any time. The revocation of consent does not affect the lawfulness of the processing carried out on the basis of the consent until the revocation.
- Pursuant to Art. 14 GDPR, if your data is collected without your knowledge (for example, because you are involved in the whistleblowing procedure as an accused person), you have the right to be informed about the storage, the nature of the data, the purpose of the processing and the identity of the controller and, if applicable, the whistleblower (unless the whistleblowing was done anonymously). However, if there would be a significant risk that such information would jeopardize Forschungszentrum Jülich's ability to effectively investigate the allegation or gather the necessary evidence, this information may be postponed pursuant to Article 14 (5) sentence 1 lit. b GDPR in connection with Para 29 (1) BDSG for as long as this risk exists. The information must then be provided as soon as the reason for the postponement has ceased to exist.
- Pursuant to Art. 15 GDPR, you have the right to request information about the personal data concerning you that is processed by Forschungszentrum Jülich. Information that is subject to special secrecy within the meaning of Section 29 (1) BDSG is excluded from this.
- Pursuant to Art. 16 GDPR, you have the right to request the immediate correction or completion of incorrect or incomplete data stored by us.
- Pursuant to Art. 17 GDPR, you have the right to request the erasure of personal data concerning you that is stored by us, unless the processing is necessary for the exercise of the right to freedom of expression and information, for compliance with a legal obligation to which Forschungszentrum Jülich is subject, for the performance of a task carried out in the public interest, or for the establishment, exercise or defense of legal claims.
- Pursuant to Art. 18 GDPR, you may request the restriction of the processing of your personal data if you contest the accuracy of such data or if the processing of such data is unlawful.
- Pursuant to Art. 20 GDPR, you have the right to receive the personal data concerning you in a structured, common and machine-readable format, and to transmit this data to another controller without hindrance or to have it transmitted by us.
- In accordance with Article 21 of the GDPR, you have the right to object to the processing of your personal data, insofar as there are grounds for doing so that arise from your particular situation. Your data will then no longer be processed unless Forschungszentrum Jülich can demonstrate compelling grounds for the processing which override the interests, rights and freedoms of the data subject, or for the assertion, exercise or defense of legal claims.
- Pursuant to Art. 77 GDPR in conjunction with § Section 17 BDSG, you have the right to lodge a complaint against Forschungszentrum Jülich with the competent supervisory authority. This is:

The Federal Commissioner for Data Protection and Freedom of Information.

Graurheindorfer Str. 153, 53117 Bonn, Germany

E-mail: poststelle@bfdi.bund.de

8. Automated decision making / profiling

Your data will not be used for automated decision making or profiling.