

# Data Protection Notice for Applicants

The Data Controller is always the METRO group company at which you applied for a position. If you applied for a position at the company specified under No. 2 below, the following data protection notice applies. For an application at another METRO group company, please find the corresponding data protection notice here:

[www.metroag.de/data-protection-notices-applicants](http://www.metroag.de/data-protection-notices-applicants)

## 1. Purpose of this Information

With this information METRO AG (hereinafter "we" or "METRO") would like to inform you according to Art. 13 and Art. 14 of the General Data Protection Regulation ("GDPR") about the data processing within the framework of your application and the implementation of the application process.

Should we establish an employment relationship with you, we will further inform you about the use of your data in the context of an employment relationship within the framework of the conclusion of the employment contract.

## 2. Contact Details of Data Controller

METRO Advertising GmbH  
Metro-Str. 2  
40235 Düsseldorf  
Germany

## 3. Contact Details of the Data Protection Officer

METRO Advertising GmbH  
- Datenschutzbeauftragter -  
Metro-Str. 2  
40235 Düsseldorf  
Germany

E-Mail: [datenschutz@metro-advertising.de](mailto:datenschutz@metro-advertising.de)

## 4. Content of Processing, Purpose of Processing and Legal Bases

We process your personal data in the context of your application with us, as far as you communicate these personal data to us with your application documents or in the course of the application process. Personal data (hereinafter also referred to as "data") is all information relating to an identified or identifiable natural person, e.g. your name, your address, your telephone number or your date of birth. Identifiable is a natural person who can be identified directly or indirectly, in particular by assignment to an identifier such as a name, an identification number, location data, an online identifier or one or more special characteristics that express the physical, physiological, genetic, psychological, economic, cultural or social identity of that natural person.

The application documents may contain special categories of personal data. According to Art. 9 p. 1 GDPR, special categories of personal data are personal data which reveal racial and ethnic origin, political opinion, religious (e.g. information on religion/denomination) or ideological beliefs or trade union membership, as well as the processing of biometric data for unique identification, health data (e.g. information on the degree of severe disability) or data on sex life or sexual orientation. **If your CV contains special categories of personal data, we do not process them at will, unless re-**

**quired for the individual position. We expressly ask you not to send us such data, unless required for the individual position.**

In addition, we process the data that you send us when contacting us, e.g. by email.

If you send us an application or application documents, we will process the personal data contained in your application.

We also collect data from publicly available sources of third parties (e.g. media, career networks) and process personal data that is provided by our recruiting agencies in order to find suitable candidates for our vacancies. For your usage of such third party sources the respective conditions of the third parties apply.

In the following we inform you about the purposes for which we process your data and the legal basis on which we process your data.

**a. Data processing for the decision on the establishment of an employment relationship**

We collect all personal data that you provide during the application process. We further use all data which we collected in accordance with legal requirements from publicly available sources of third parties (e.g. media, career networks) and our recruiting agencies (find more details under lit. d). This enables us to assess your skills and determine whether you are suitable for a vacant position in our company.

The applicant data may include particularly: first and last name; if applicable your academic degree; date and place of birth; contact data (address, e-mail, telephone and/or mobile phone number); application documents (cover letter, CV, certificates); language skills; skills; compensation data (e.g. salary expectations); regional mobility (availability for different locations); if applicable and provided, nationality, work permit, data on health suitability; a photo of yours; previous convictions, insofar as they are required for the vacant position; account data in case of travel expense reimbursements.

We base our decisions in the application process on the provided data that are absolutely necessary in order to assess your suitability for the vacant position and within the framework of legal requirements. For example, we use your professional qualifications to decide whether to consider you in the shortlist, or the personal impression in an interview to decide if we offer you the job you applied for.

The easiest way to apply is via our job portal and the job advertisements published there. You can apply there by leaving your data for the advertised job and thereby submitting your individual candidate profile for the respective position. In doing so, you have the option of sending us your data by linking to a social network, by manual entry and/or by using "CV parsing" (transfer of specific data from one of your existing profiles, e.g. Smarttr or LinkedIn).

If you do not wish to use the online job portal, you can of course also send us applications by e-mail or in writing by post. Data from such applications can be transferred manually to our applicant management system.

In addition, you can be recommended as an applicant for a position. With your consent, the referrer may transmit your details to us and submit your application documents in our job portal so that we can consider you for the position.

In all cases in which you have not applied directly via our job portal for a position that is published in the job portal, you will receive an e-mail with which you must activate your application. If you do not activate your application in this way within 30 days, your data will be deleted from our applicant management system and you will not be considered further in the selection process.

Filling particularly sensitive positions may require a further review of your applicant data and background. The result of this check will be documented. We will inform you in advance of the need for such a check. This check is carried out in compliance with local legal requirements and with the involvement of carefully selected service providers.

The legal basis for the processing of these data results from Art. 88 GDPR in connection with Section 26 p. 1 s. 1 of the German Federal Data Protection Act (FDPA).

#### **b. Data processing of special categories of personal data**

If, as part of your application documents, you voluntarily and contrary to our express request, send us special categories of personal data subject to Art. 9 p. 1 GDPR (e.g. information on your political opinion or trade union membership), we will process these on the basis of your consent. This also applies if you provide us with further special personal data in the course of the application procedure.

By voluntarily submitting this data, you agree to the storage of this special personal data as part of the application process.

In these cases, the information is always voluntary and is provided with your express consent, which you provide by voluntarily submitting this data.

If we are required by law to process special categories of data subject to Art. 9 p. 1 GDPR (e.g. information on religious affiliation/denomination or disabilities) we process your data accordingly to the lawful purpose (e.g. tax collecting or compliance with labour law, social security law and social protection law) only.

We do not take this special personal data into account when making a selection decision, unless it is required by law to take this special personal data into account. It is possible, for example, in some job advertisements that people with disabilities may receive preferential treatment in accordance with the applicable laws.

The legal basis for the processing of (i) voluntarily provided data results from Art. 88 p. 1 GDPR in connection with Section 26 p. 3 s. 2 FDPA; (ii) legally required data results from Art. 88 para. 1 GDPR in connection with Section 26 p. 3 s. 1 FDPA.

#### **c. Data processing on the basis of your consent**

If you voluntarily become a member of one of our applicant communities, the data you provide will be published for all HR employees responsible in the respective country. By becoming a member of the applicant community, you agree to be informed about interesting job offers and events. This can be done by e-mail or telephone call. Furthermore, by becoming a member, you agree that we may consider you for other suitable vacancies within the METRO group and forward your data to the respective company offering the vacancy. You can also become a member by applying for a job advertisement which explicitly states that it is an applicant community. You can terminate membership at any time by sending a message to the contact details above.

If you agree to the storage of your application data, we may also include you in other applicant databases in a corresponding manner in our database/community, so that we can contact you directly in the future in connection with a suitable vacancy. In any case, we will store the applicant data – if and as far provided - as set out above under lit. a.

If you have already been in contact with us, e.g. by having an interview, we can include a short evaluation in the database/community.

In case of an unsolicited application, you consent for us to consider your application for suitable vacancies in our company. We may also consider your unsolicited application for other suitable vacancies inside the METRO company group and forward your data to the

respective company offering the vacancy unless we deem that you have an overriding interest in not being considered for the respective vacancy or you expressly objected. We store your data until your consent is revoked, your application is withdrawn or finally rejected.

Should you have applied for an executive position (i.e. a senior managerial responsibility in our business, in the position of a Director or above) we might ask you to participate in a diagnostic program in order to assess your leadership skills. If you chose to take part in such a diagnostic program you acknowledge that we use the information from the program for application purposes and recommending you for any other suitable position in our company group. In these cases, the information is always voluntary and is provided with your express consent, which you provide by voluntarily participating in the diagnostic program.

If we want to make you a particular offer for an executive position, we might send you a candidate sheet and ask for some additional data. This data is solely used to prepare a suitable individual offer for you, e.g. for assessing a reasonable compensation and any benefits which we might be able to offer. In these cases, the information is always voluntary and is provided with your express consent, which you provide by voluntarily submitting this data.

The legal basis for the processing of these data results from Art. 6 p. 1 s. 1 lit. a), Art. 88 GDPR in connection with Section 26 p. 1 and 2 FDPA.

#### **d. Proactive search for suitable candidates**

We (i) collect personal data from publicly available sources (e.g. media, career networks) or (ii) process personal data that is provided by our recruiting agencies in order to find suitable candidates for vacant positions in our company. We use this personal data only in order to assess the candidate's skills, determine whether the candidate is suitable for a vacant position in our company and to invite the candidate to apply for the corresponding position. Data from career networks is only processed in accordance with the respective terms of the operator of the respective network, limited to the information you have made available about yourself in publicly accessible online networks or platforms with a professional focus.

The collected candidate's personal data include – if and as far provided – the information as set out above under lit. a.

The legal basis for the processing of these data results from Art. 6 p. 1 s. 1 lit. a) GDPR; Art. 6 p. 1 s. 1 lit. f) GDPR.

#### **e. Compliance with legal requirements and legal defence**

We process your personal data in order to comply with legal obligations to which we are subject. On this basis, it may be necessary for us to pass on your data to third parties (e.g. authorities) in order to comply with legal requirements for information, reporting or information disclosure. In addition, we may process your data to assert, exercise or defend legal claims, in particular discrimination lawsuits, and pass it on to third parties (e.g. lawyers, courts, public prosecutors).

The legal basis for the processing of these data results from Art. 6 p. 1 s. 1 lit. c) GDPR and Art. 6 p. 1 s. 1 lit. f) GDPR. Our legitimate interest lies in the proper assertion and enforcement of legal claims as well as in the defence against legal claims asserted against us and in preventing any damage from our company.

Your master data (e.g. name, date of birth) which you provided us with will be checked by us against the EU sanctions lists as laid down by EU Council Regulations. We are legally obligated to ensure that we do not grant any financial benefits to recipients listed in the respective EU Council regulations. Therefore the data processing is based on Art. 6 p. 1 s. 1 lit. c) GDPR. Such screenings also allow us to benefit from certain customs procedures,

which are in our legitimate interest. Therefore such processing is also based on Art. 6 p.1 s. 1 lit. f) GDPR.

#### **f. Transfer of data**

Your data will only be passed on to external recipients if we are required by law to provide information, report or pass on data (see above), provided you have given us your consent to transfer data to third parties or to external service providers who work on our behalf as data processors. Initially, your personal data will only be processed by our employees.

The legal basis for the processing of these data results from Art. 6 p. 1 s. 1 lit. a) GDPR; Art. 6 p. 1 s. 1 lit. c) GDPR; Art. 28 GDPR.

### **5. Sources**

We receive data that we have not directly collected from you from the following sources:

- Authorities or other government bodies, e.g. tax offices,
- Your former employers, if you have agreed to us contacting them during your recruitment process,
- Publicly available data (e.g. media, career networks),
- Recruiting agencies.

Diagnostic programs for executives are either performed by ourselves or by an external diagnostic provider. Should the external diagnostic provider perform the diagnostic, all the data collected in the course of this diagnostic is processed in the sole responsibility of the respective diagnostic provider. In this case we only receive performance results and summary comments from the diagnostic provider which we use in our responsibility. If you chose to take part in such a diagnostic program you acknowledge that data is transferred to us for application purposes, as set out above.

### **6. Recipients of data**

When you submit your application via our job portal, authorized employees of the company have access to your data. This includes employees of the IT department, the HR department and those persons who are responsible for the job advertisement and its filling. Depending on the position, the latter persons may also include employees and managers from other companies within the METRO group. Please note that when you apply via the job portal, the Hiring Manager always sees the entirety of the positions for which you have applied.

For support and information provision purposes, system administrators of METRO AG may also access your data, e.g. to check the status of your profile or, if desired, to delete your data. For this purpose, your profile and the application you submitted can be accessed.

Your data may initially be forwarded to our central human resources department at METRO AG for further processing and review. The HR department will then forward your data for the purposes of the application process to the positions within our company that are involved in the respective selection process and who will then use your data accordingly. After a successful completion of the application process, we may transfer your data to your personnel file. All data will of course be treated confidentially.

If applicable, the responsible works council and the disabled representatives may also use your data to exercise your participation rights in filling vacancies.

Below we list the categories of external recipients of your personal data:

- IT service provider
- Data centers
- Data shredding companies
- Courier services
- Authorities
- Legal advisers
- Banks

- Recruiting agencies

## 7. Transfer into third countries

Your personal data will only be transferred to countries outside the EU or the EEA (“third countries”) (i) if a transfer is required by law (e.g. tax reporting obligations) or contract, (ii) if you have given your consent or (iii) if we are using data processors. If a data processor is located in a third country and there is no adequacy decision, by which the Commission of the European Union has decided that the respective third country ensures an adequate level of protection, the data transfer will be based on appropriate safeguards, i.e. Standard Contractual Clauses. Further information or copies of these safeguards can be requested with a formless request addressed to our data protection officer using the contact details mentioned above.

## 8. Duration of storage

We initially store your personal data for the duration of the application process.

If we do not fill the vacancy with you, we will delete your data six months after completion of any related application processes, unless you have consented to further storage. In case of consent, we will store your data until your consent is revoked. Should you have applied for an executive position and have not stated otherwise, we consider the application in general as an application for any comparable role in the METRO company group. For executive searches we consider the related application processes therefore as completed not till then every position for the respective role is occupied within the METRO company group.

If your application was successful and you enter into an employment relationship with us, we refer you to our data protection notice for employees, which explains how your data is processed and which retention periods will apply from there on.

Longer storage periods may also result from the fact that the data is necessary for asserting, exercising or defending legal claims or because legal retention obligations exist. The data will be stored for as long as is necessary to fulfil these purposes. The legal basis for the processing of these data results from Art. 6 p. 1 s. 1 lit. c) GDPR and Art. 6 p. 1 s. 1 lit. f) GDPR.

## 9. Obligation to provide data

For some personal data that you provide to us in connection with your employment relationship, the provision of this data is required by law or contract or is required for the establishment or proper execution of your employment contract. You are therefore obliged to provide us with this personal data. We would like to point out that if you do not provide us with this personal data, this may mean that we cannot employ you in our company or cannot fulfil individual obligations arising from the employment contract.

## 10. Your rights as data subject

As a data subject, you can contact our data protection officer at any time with a formless notification under the contact dates mentioned above to exercise your rights according to the GDPR. These rights are the following:

- The right to receive information about the data processing and a copy of the processed data (right to access, Art. 15 GDPR),
- The right to demand the rectification of inaccurate data or the completion of incomplete data (right to rectification, Art. 16 GDPR),
- The right to demand the erasure of personal data and, in case the personal data have been made public, the information towards other controllers about the request of erasure (right to erasure, Art. 17 GDPR),
- The right to demand the restriction of the data processing (right to restriction of processing, Art. 18 GDPR),
- The right to receive the personal data concerning the data subject in a structured, commonly used and machine-readable format and to request the transmittance of these data to another controller (right to data portability, Art. 20 GDPR),
- The right to object the data processing in order to stop it (right to object, Art. 21 GDPR),

- The right to withdraw a given consent at any time to stop a data processing that is based on your consent. The withdrawal will not affect the lawfulness of the processing based on the consent before the withdrawal (right to withdraw consent, Art. 7 GDPR).
- The right to lodge a complaint with a supervisory authority if you consider the data processing to be an infringement of the GDPR (right to lodge a complaint with a supervisory authority, Art. 77 GDPR).

## 11. Automated decision making / Profiling

We do not use automated decision making or profiling.

### **Information about your right of objection Art. 21 GDPR**

**You have the right to object at any time to the processing of your data on the basis of Art. 6 p. 1 s. 1 lit. f) GDPR (data processing on the basis of a balance of interests) if there are reasons for this arising from your particular situation.**

If you object, we will no longer process your personal data, unless we can prove compelling and applicable reasons for the processing, which outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

The objection can be made without formality and should be addressed to our data protection officer.

Due to possible changes in the processing described above or the relevant laws, a change of these data protection notices may be required. In this case, we will inform you about such changes. Insofar as the changes affect a processing which is based on your consent, we will ask you for a new consent, if necessary.

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