



European X-Ray Free-Electron Laser Facility GmbH  
Holzkoppel 4  
22869 Schenefeld  
Germany

## **A. Privacy Policy**

### **European XFEL Guest House**

#### **as of 30 June 2022**

This privacy policy is intended to inform about the processing of personal data in connection with your stay at the European XFEL Guest House with overnight accommodation operated by European X-Ray Free Electron Laser Facility GmbH (“**European XFEL GmbH**”, “**we**” or “**us**”) on its Campus in Schenefeld (“**Guest House**”) as well as the hotel management features associated with the Guest House and integrated into our website (“**HMS Platform**”).

If you would like to read the whole document in context or would like to print it, please click [here](#).

Please note that in connection with some services (e.g. with the payment of your stay at the Guest House by card, with the Guest House network, with the washing machine service) there are other separate controllers of your personal data (see section 1 “Who is the controller of your personal data?” and section 4 “Recipients of your personal data” for details).

#### **Table of contents**

1. Who is the controller of your personal data? .....	2
2. Purposes and legal bases of data processing .....	2
3. Data automatically collected from users .....	6
4. Recipients of your personal data .....	7
5. Transfers of personal data to countries outside the EU/EEA .....	8
6. Duration of storage.....	9
7. Your rights as data subject and how to exercise them.....	10
8. Right to lodge a complaint with a supervisory authority .....	12
9. Contact information (including for data protection officer).....	12

## 1. Who is the controller of your personal data?

The controller in the sense of the European data protection laws is European X-Ray Free-Electron Laser Facility GmbH, Holzkoppel 4, 22869 Schenefeld, Germany (“**European XFEL GmbH**”, “**we**” or “**us**”). For further contact details as well as the **contact details of our data protection officer** see section "Contact Information".

Please note that in connection with the payment of your stay at the Guest House by card there may be other separate controllers of your personal data. Information on this can be found in the privacy notice of the service provider “*Datenschutz-Informationen gemäß Art. 13, 14 der Datenschutz-Grundverordnung (DSGVO) zu Kartenzahlungen*“ (“Data protection information pursuant Art. 13, 14 of the General Data Protection Regulation (GDPR) regarding card payments”) which is also available at our reception desk and in the HMS Platform.

Please note that in connection with the payment of your stay at the Guest House by payment services using e-money there may be other separate controllers of your personal data. Information on this can be found in the privacy policy of the respective service provider.

Please further note that the guest network available at the Guest House is operated by Deutsches Elektronen-Synchrotron DESY (“**DESY**”) as separate controller of your personal data and under special conditions of use. Information on this can be found in DESY’s “[Conditions of Use for Information-Processing Systems at DESY](#)” which are also available at our reception desk and in the HMS Platform.

Please note that in connection with the washing machine services there may be other separate controllers of your personal data. Information on this can be found in the privacy policy of the service provider.

## 2. Purposes and legal bases of data processing

We process your personal data for the purposes and based on the legal bases listed in the table below. Where the processing is based on legitimate interests (of us or a third party) we have also included a description of the respective interests:

No.	Purpose for processing	Legal basis for processing	Description of legitimate interest for processing if applicable
1	To offer you a stay in our Guest House and to administer your stay (including, e.g. the corresponding payment and the respective communication with you as well as the transmission of an electronic key to you, key programming, tracing lost/forgotten keys and security verification)	Performance of a contract	N/A
2	To comply with applicable registration requirements, in particular deriving from the German Federal Registration Act ( <i>Bundesmeldegesetz</i> )	Compliance with the legal obligations regarding registrations	N/A
3	To match reservation request information with international embargo lists in order to determine your eligibility to stay at the European XFEL Guest House	Consent	N/A
4	To offer you a 24/7 self-check-in via the kiosk (self-registration device) within the HMS Platform system or a check-in terminal at the Guest House reception	Performance of a contract (terms and conditions for the HMS Platform)	N/A
5	To offer you an online reservation/booking via the HMS Platform integrated in our homepage	Performance of a contract (terms and conditions for the HMS Platform)	N/A
6	To offer you access to the guest network in the Guest	Legitimate interest	We have a legitimate interest in

	House and on site which is operated by Deutsches Elektronen-Synchrotron DESY under its own terms of use which are available <a href="#">here</a> ).		providing DESY with the information which allows our residents to sign-up for the network operated by DESY.
7	To manage your contact details in order to enable you to stay at the European XFEL Guest House	Performance of a contract	N/A
8	To communicate with you upon your request independently of a specific stay or booking at our Guest House	Legitimate interest	We have a legitimate interest in communicating with you upon your request to provide information about the Guest House as well as the HMS Platform connected to it.
9	To determine disruptions and to ensure the security of the HMS Platform and of our systems in general, including the detection and tracing of (the attempt of) unauthorised access to the HMS Platform/our servers	Compliance with the legal obligations regarding data security as well as legitimate interest (where the processing goes beyond what is strictly necessary to comply with the legal obligations)	We have a legitimate interest in resolving disruptions, ensuring the security of the HMS Platform and of our systems in general and the detection and tracing of (the attempt of) unauthorised access.
10	To comply with applicable legal requirements, inter alia deriving from data retention requirements, German tax law, German Infection Protection Act, etc.	Compliance with legal obligations	N/A

11	To comply with requirements stemming from German law or from European XFEL GmbH's guidelines concerning the containment of pandemics and the preservation of the health of employees and of other users of European XFEL GmbH's facilities	Processing necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health (Art. 9 (2) (i) GDPR in combination with section 22 (1) no. 1 c) German Federal Data Protection Act (BDSG)) or your explicit consent	N/A
9	To safeguard and defend our rights	Legitimate interest	We have a legitimate interest in exercising and defending our rights.
11	Check identity with passport or national identity card	Legitimate interest (for German nationals in addition section 20 of the Act on Identity Cards and Electronic Identification respectively section 18 of the Act on Passports)	We have a legitimate interest in ensuring that the information provided by you is correct and in ensuring that only persons entitled to do so and properly identified access our Guest House in order to ensure the safety of other residents, users and our employees as well as the security of our facility and assets stored within.

18	To contact you with regard to feedback you provided through the feedback tool in order to improve our services	Consent	N/A
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Please note: While the provision of your personal data is generally voluntary, you are required to provide us with certain information in order to be able to stay at the Guest House. Firstly, we require certain information to enter into and manage the respective agreement with you (e.g. payment information). Secondly, we require certain information to comply with applicable registration requirements

During the reservation and/or check-in process you will be asked to provide some information which includes for instance: first name\*, last name\*, title, email\*, telephone, nationality\*, passport number\*, date of birth\*, booker name and booker email (if applicable), arrival date\*, departure date\*, special requirements, business reason for stay\*, inviting contact at European XFEL GmbH\*, home institute and department\*, institutional address\*, method of payment\* and billing address\*, signature\*, plate number (if applicable). Information marked with (\*) is mandatory. If you do not provide us with this mandatory information, we are unfortunately not able to offer you a stay at the Guest House.

In addition, you will be asked for consent to the processing of your name and other personal details by us for the purpose of matching these data with embargo lists. Information on these lists is available under here. Please note that without this consent a registration cannot be completed respectively we might have to terminate the contractual relationship regarding the stay at the European XFEL Guest House.

In crisis or pandemic situations, we may request documentation on the health conditions of Guest House residents, in line with the requirements established under German law or based on our internal guidelines.

### **3. Data automatically collected from users**

Every time you use the HMS Platform, your terminal device will automatically transfer certain information that we will store in so-called log-files.

The log-files will solely be stored for the detection of malfunctions and for security reasons (e.g. attack detection) for between seven and ten days. Log-files will be stored for a longer period of time and might be transferred to investigating authorities if they

are needed as evidence if an incident took place. They will be subject to restriction of processing upon the final clearance of the matter.

In particular, log-files include the following information:

- IP address of the terminal from which the HMS Platform is accessed;
- Name of the accessed data respectively information;
- Date and time as well as duration of access;
- Transferred amount of data; and
- Operating system used.

#### **4. Recipients of your personal data**

Your personal data may be transferred to the following categories of recipients:

##### **a. Service providers (processors)**

We reserve the right to appoint external service providers in connection with your stay at the Guest House and the respective use of the HMS Platform. These service providers will only have access to data they need for the performance of their service. Service providers will be appointed as so-called data processors which are only allowed to process the personal data on our behalf and according to our documented instructions. We may disclose your personal data to the following categories of processors:

- IT service provider (hosting service and support for HMS Platform), European Union, USA, India,
- IT service provider (archiving of data in connection with the cash register system), Germany,
- IT service provider, in particular regarding (but not limited to) storage services, hosting service, computing infrastructure, Germany (e. g. Deutsches Elektronen-Synchrotron DESY),
- Provider of the guest network in the Guest House and on site (Deutsches Elektronen-Synchrotron DESY), Germany,
- Provider of security services (security and gate reception staff), Germany,
- Provider of technical emergency services, Germany,
- Provider of an embargo list database system for embargo list checks, Germany,
- IT service provider (check-in terminal/kiosk).

## **b. Other recipients**

There may, however, be specific exceptional cases, in which we may disclose your personal data to the following categories of third parties:

- Cleaning company personnel,
- Lawyers, tax advisors, consultants, external auditors,
- Banks,
- Local authorities on their demand if we are under a legal obligation to disclose your personal data.

Also, personal data might be transferred to third parties if we are obliged to transfer the data by statutory provisions or by an enforceable order of a court or an administrative authority. We may also release your data when we believe this is appropriate to comply with the law or to protect our or others' rights. Furthermore, we may transfer data which has been rendered anonymous to third parties for statistical purposes.

The parties mentioned above can be located in the European Economic Area (EEA) as well as in other countries. For transfers of personal data to countries outside the EEA see next section.

Apart from this and the above, we generally do not disclose your personal data to third parties.

If you chose to stay at the Guest House, you will be asked (for details see section 1 [“Who is the controller of your personal data?”](#)) by specific service providers to disclose your personal data, for instance by

- payment providers operating the payment method you use which act as separate controllers,
- service providers of washing machine services, Germany,
- IT service providers (facilitation of online payments), Germany.

## **5. Transfers of personal data to countries outside the EU/EEA**

We might transfer personal data to recipients located outside the European Union (EU) respectively outside the European Economic Area (EEA) in so-called third countries.



In such cases, we ensure prior to the transfer that

- The European Commission has decided that the third country ensures an adequate level of protection (Art. 45 GDPR, e.g. Switzerland); or
- The transfer is subject to appropriate safeguards, for example by us entering into so-called standard data protection clauses of the European Union with the recipient of the data and including supplementary safeguards, where necessary (Art. 46 GDPR).

The recipients to whom we transfer personal data in connection with your stay at the Guest House and the respective use of the HMS Platform are based in generally in the EU. Only in individual extreme emergency cases, technical support may be needed from staff of the HMS Platform suppliers based outside the EU/EEA (cf. section 3. a. above).

You are entitled to receive an overview of third country recipients and a copy of appropriate or suitable safeguards in place. For your request please use the details provided in section "[Contact Information](#)".

## **6. Duration of storage**

We will store your personal data that is processed in connection with your stay at the Guest House and the respective use of the HMS Platform as long as we have a legitimate interest in the storage. In all other cases we will delete your personal data with the exception of the data that we need to store further in order to comply with contractual or statutory retention periods.

We keep your personal data for the following periods:

- Data contained in invoices issued by European XFEL GmbH for the use of the Guest House and respective contractual documentation must be kept for 10 years (mandatory retention period in Germany following German Commercial Code (HGB)/ German Tax Code (AO));
- Data we collect from embargo lists and the respective checks will be kept for ten years from the end of the calendar year in which the last embargo list verification was made.
- Log files will generally be deleted within 7 to 10 days (please see section "[Data automatically collected from users](#)" for further information).

## **7. Your rights as data subject and how to exercise them**

You have the following rights, provided that the respective legal requirements are fulfilled:

You have the following rights, provided that the respective legal requirements are fulfilled:

### **a. Right of access and rectification:**

You have the right to obtain confirmation from us as to whether or not your personal data is being processed and a right to access your personal data that is being processed by us.

You also have the right to obtain without undue delay the rectification of any inaccurate personal data relating to you and to have any of your personal data that is incomplete, completed.

### **b. Right to erasure ('right to be forgotten'):**

You have the right to obtain the erasure of your personal data from us without undue delay and we have the obligation to erase your personal data without undue delay if one of the following grounds applies:

- your personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- the processing of your personal data is based solely on your consent and you have withdrawn your consent;
- you have objected to direct marketing;
- you have objected to the processing that is based on our legitimate interest on grounds that relate to your particular situation and there are no overriding legitimate grounds for the processing;
- your personal data have been unlawfully processed; or
- your personal data have to be erased for compliance with a legal obligation.

In case we have transferred your personal data to third parties, we will inform them about this erasure if required by law.

Please keep in mind that there are limitations to your right to erasure. We are for example not allowed to erase data that we are legally obliged to store. Also, your right to

erasure does not apply if we need to store the data for the establishment, exercise or defense of legal claims.

**c. Right to restriction of processing:**

You have the right to restrict our processing of your personal data where

- you contest the accuracy of the personal data until we have taken sufficient steps to correct or verify its accuracy;
- the processing is unlawful but you do not want us to erase the data;
- we no longer need your personal data for the purposes of the processing, but you require them for the establishment, exercise or defence of legal claims; or
- you have objected to processing based on our legitimate interest (see below) pending verification as to whether we have compelling legitimate grounds to continue processing.

Where personal data is subjected to restriction in this way, we will only process it with your consent or to a very limited extent, e. g. for the establishment, exercise or defense of legal claims.

**d. Right to object:**

You have the right to object to the processing of your personal data that is based on our legitimate interest, on grounds relating to your particular situation. Please also refer to section "[Information on your rights to object](#)".

**e. Right to data portability:**

Where we are relying upon your consent or the fact that the processing is necessary for the performance of a contract to which you are party as the legal basis for processing, and that personal data is processed by automatic means, you have the right to receive all such personal data which you have provided to us in a structured, commonly used and machine readable format, and also to require us to transmit it to another controller where this is technically feasible.

**f. Right to withdraw consent:**

Where we have relied on your consent to process particular information and you have provided us with your consent to process data, you have the right to withdraw such consent at any time. The withdrawal of your consent does not affect the lawfulness of processing based on consent before its withdrawal.

## 8. Right to lodge a complaint with a supervisory authority

You may lodge a complaint with a supervisory authority. You may file your complaint at your local supervisory authority or at the data protection authority competent for us.

This is:

Unabhaengiges Landeszentrum für Datenschutz Schleswig-Holstein (ULD)  
Holstenstraße 98  
24103 Kiel  
Germany

Telephone: +49 (0) 431 988-1200

Fax: +49 (0) 431 988-1223

Email: [mail@datenschutzzentrum.de](mailto:mail@datenschutzzentrum.de)

## 9. Contact information (including for data protection officer)

If you have comments or questions, any concerns or a complaint regarding the processing of your personal data, please feel free to contact us at:

European X-Ray Free-Electron Laser Facility GmbH  
Holzkoppel 4  
22869 Schenefeld  
Germany

Email: [guesthouse@xfel.eu](mailto:guesthouse@xfel.eu)

Telephone: +49 (0) 40 8998 6700 - 6937

You may also contact our **data protection officer at**

European X-Ray Free-Electron Laser Facility GmbH  
- Data Protection Officer -  
c/o Dr. Carsten Porthun, Deutsches Elektronen-Synchrotron DESY  
Notkestraße 85  
22607 Hamburg  
Germany

Email: [data-protection@xfel.eu](mailto:data-protection@xfel.eu)

Telephone: +49 (0) 40 8998 - 2553

## **B. Information on your right to object**

### **Right to object to processing based on legitimate interest**

You may have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on the legal basis legitimate interest, unless we are able to (i) demonstrate compelling legitimate grounds for the processing which override your interests or (ii) need to process the data for the establishment, exercise or defense of legal claims.

### **You may address your objections to:**

European X-Ray Free-Electron Laser Facility GmbH

Holzoppel 4

22869 Schenefeld

Germany

[Email: guesthouse@xfel.eu](mailto:guesthouse@xfel.eu)

Telephone: +49 (0) 40 8998 6700 - 6937