



European X-Ray Free-Electron Laser Facility GmbH

Holzknappel 4

22869 Schenefeld

Germany

European XFEL Virtual Meeting Privacy Notice

as of 21 October 2020

A. Privacy Notice

Usage and recordings of virtual meetings by European XFEL GmbH

This privacy policy is intended to inform our staff and other participants of virtual meetings about the processing of their personal data in connection with the use of software for virtual meetings in general and in connection with audio and video recordings of virtual meetings in particular.

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**”). For further **contact details as well as the contact details of our data protection officer see section A.10 below.**

2. Purposes and legal bases of data processing

When carrying out and/or recording virtual meetings, 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	Usage of software for virtual meetings in general	Legitimate interest	We have a legitimate interest in enabling our staff and (prospective) users of our facilities to communicate and work together irrespective of whether they are working from the same location.

2	Recordings of staff meetings: To document the contents of staff meetings, including the questions that were raised by the staff as well as the answers that were provided	Legitimate interest	We have a legitimate interest in documenting the contents of staff meetings in order to allow staff access to this information for a limited period of time, in particular because they were not able to participate in the meeting itself.
3	Recordings of AFC meetings: To enable the taking of detailed minutes of AFC meetings	Legitimate interest	We have a legitimate interest in enabling the taking of detailed minutes of AFC meetings in order to ensure the correct documentation of the aspects that were discussed and the decisions that were taken.
4	Recordings of user information meetings and sharing of the recordings with individual (prospective) users: To document the contents of our user information meetings on our website in order to inform staff and (prospective) users about the work in European XFEL's facilities	Legitimate interest	We have a legitimate interest in documenting the contents of user information meetings in order to allow staff and (prospective) users of our facilities access to this information for a limited period of time, in particular because they were not able to participate in the meeting itself.
5	Recordings of staff meetings and user information meetings: To document the contents of such meetings for the purpose of scientific or historical research	Legitimate Interest	We have a legitimate interest in documenting meetings in order to be able to carry out scientific and / or historical research regarding the structure and unique work carried out in European

			XFEL's facilities.
6	Publishing of user information meetings on our website: To allow (prospective) users of the website and the public to inform themselves about the work carried out in European XFEL's facilities	Consent (provided by the recorded panellists)	N/A
7	To safeguard and defend our rights	Legitimate interest	We have a legitimate interest in exercising and defending our rights

3. Under which circumstances and to what extent are virtual meetings recorded?

As a rule, virtual meetings are not recorded. However, there are a few exceptions to this rule. Virtual meetings are recorded under the following circumstances:

- in case a staff meeting is held virtually or transmitted via a virtual meeting software for personnel that cannot participate in person (e.g. due to business travels);
- in case the management is addressing the staff in a speech;
- in case of AFC (Administrative and Finance Committee) meetings (and only if all participants agree); and
- in case a user information meeting is held virtually or transmitted via a virtual meeting software for participants that cannot take part in person.

If you participate in a virtual meeting that is due to be recorded, you will be informed about this prior to entering the meeting and/or prior to the recording taking place.

4. Are you required to take part in a meeting that is recorded?

You are not obliged to take part in a meeting that is being recorded. You will either (i) have the possibility to simply refrain from entering the meeting or to exit the meeting prior to the recording taking place, (ii) be informed about ways to avoid being recorded during the meeting (e.g. by asking questions via the chat function only, as chats will not be recorded), or (iii) in some cases (in particular at AFC meetings) will be given the possibility to express that you do not wish to be recorded, in which case no such recording will take place. You will not suffer any adverse consequences if you do not wish to be recorded. It is, however, possible that your possibilities to interact with other meeting participants will be limited to a certain extent (e.g. you will not be able to ask questions via the audio function in a recorded meeting if you do not want to be recorded). In any case, the focus of the recording is always on the panellists, not on the participants.

5. 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 virtual meetings. 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 disclose your data to the following categories of processors:

- IT service provider (e. g. Deutsches Elektronen-Synchrotron DESY, for hosting service, computing infrastructure), Germany,
- IT service provider (cloud service provider), USA
- IT service provider (virtual meeting software provider), USA

b) Other recipients

We generally do not disclose your personal data processed in connection with virtual meetings to other third parties. There may, however, be exceptional cases, in which this personal data can be provided to the following categories of third parties: Lawyers, tax advisors, consultants, external auditors.

Please note that recordings of user information meetings will be made available on European XFEL's website and will thus be accessible to the public.

Additionally, 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 one of our policies (e.g. our Scientific Data Policy), 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.

6. Transfers of personal data to countries outside the EU/EEA

We might transfer personal data processed in connection with service providers or third parties 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

- that the transfer is subject to appropriate safeguards (Art. 46 GDPR), for example by us entering into so-called standard data protection clauses of the European Union with the recipient of the data.

The service providers or third parties to whom we transfer personal data in connection with virtual meetings are based in the following countries: Australia, Canada, Malaysia, and USA.

In specific situations we might also ask for your explicit consent to the transfer or base the transfer on another exception provided for in Art. 49 (1) GDPR.

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 A.10 below.

7. Duration of storage

We will store your personal data that is processing in connection with virtual meetings 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 those 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:

- Recordings of staff meetings / speeches of management: 1 year from the time of the recording;
- Recordings of AFC meetings: Until the minutes of the meeting that has been recorded are approved by the AFC (this will generally be the case during the subsequent meeting) or any shorter period agreed by the AFC; and
- Recordings of user information meetings: 2 year from the time of the recording.

In addition to the above, recordings that are to be used for scientific or historical research are, archived for an indefinite period of time. Please note that appropriate safeguards will be put in place in order to protect the rights and freedoms of any person included in the recordings. In particular, extensive access restrictions will be implemented in order to safeguard that

the recordings are only used in order to carry out scientific or historical research activities and that data not relevant for such purposes will not be subject to such further storage.

8. Your rights as data subject and how to exercise them

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 defence 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 defence 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 B. below.

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.

e) Right to withdraw consent:

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.

9. 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:

**Unabhängiges 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

10. Contact information

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
Holzoppel 4
22869 Schenefeld
Germany

Email: data-protection@xfel.eu

Telephone: +49 8998 6006

You may also contact our **data protection officer Carsten Porthun** at the following email address: carsten.porthun@desy.de .

B. Usage and recordings of virtual meetings by European XFEL - 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 (not relevant for AFC meetings) 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
Holzkoppel 4
22869 Schenefeld
Germany

Email: data-protection@xfel.eu

Telephone: +49 8998 6006