

## **Information regarding the collection of your personal data** **(procurement bidders / contractors)**

in accordance with Art. 13 of the EU General Data Protection Regulation (GDPR)

This document aims to fulfill our obligations according to Article 13 of the EU General Data Protection Regulation (GDPR) to provide information, and to offer you transparency regarding the collection and use of your personal data, as follows:

<b>(1) General information</b>	
<b>a) Responsible party:</b>	
Company	Internationale Münchner Filmwochen GmbH (abbreviated: IMF)
Street	Sonnenstraße 21
Postal code/City	80331 München
Telephone	089 – 381904-0
E-mail address	info@filmfest-muenchen.de
Internet address	<a href="http://www.filmfest-muenchen.de">www.filmfest-muenchen.de</a> / <a href="http://www.filmschoolfest-munich.de">www.filmschoolfest-munich.de</a>
<b>b) Data protection officer:</b>	
First and last name	Mr. Stephan Hörr
Telephone	+49 (0)8122 – 97980
E-mail address	datenschutz@filmfest-muenchen.de
<b>c) Purpose and legal basis for the use of personal data:</b>	
Purposes:	Applicable legal basis:
<ul style="list-style-type: none"><li>- in order to determine the suitability of contractors and evaluate qualifying criteria within the process of procuring bids for deliveries and services</li><li>- in order to carry out the work commissioned</li><li>- for administration and archiving purposes in the context of fulfilling legal obligations as well as requirements or measures deemed necessary by legal authorities</li></ul>	<ul style="list-style-type: none"><li>- Art. 6 Para. 1 (b) GDPR (fulfillment of necessary measures prior to entering into a contract, or performance of a contract)</li><li>- Art. 6 Para. 1 (c) GDPR (compliance with legal obligations)</li></ul>
<b>d) If use is based on the purpose of legitimate interests as defined in Art. 6 Para. 1 (f):</b> for internal communication as well as for the purposes of administration or in order to prevent claims against us resulting from the procurement process (e.g. needing to show proof in a lawsuit citing the Regulation on the Award of Public Contracts (VgV)).	
<b>e) Recipients or categories of recipients<sup>1</sup> to whom personal data is (further) revealed:</b> <ul style="list-style-type: none"><li>• website host (operator of the online commissioning portal of IMF)</li><li>• management and employees involved in the commissioning process and/or the carrying out of the work commissioned</li><li>• accounting</li><li>• providers of payment-processing services (banks, clearing system)</li><li>• auditors</li><li>• government offices (tax and customs authorities, etc.)</li></ul> As a matter of principle, IMF shares your data with third parties only insofar as this is necessary or advisable for the provision of services, for the fulfillment of legal obligations regarding the disclosure, reporting or transfer of data, or for statistical analysis. Third parties contracted by us will handle your personal data according to these stipulations on privacy and applicable privacy laws.	

<sup>1</sup> Processors are also to be named.

f) Personal data is transmitted to a third country:  No  Yes

## (2) Further information

**a) Duration of storage of the personal data:** in accordance with the legal retention periods

**b)** As required by Art. 13 GDPR, we wish to inform you of your additional rights. Regarding the use of your personal data, you have the right to:

- access (Art. 15 GDPR)
- rectification (Art. 16 GDPR)
- erasure (Art. 17 GDPR)
- restriction of use (Art. 18 GDPR)
- object to use (Art. 21 GDPR)
- data portability (Art. 20 GDPR)

Further information, including the respective conditions, is found in the appendix.

**c)** Insofar as your consent is required for use of the data, you have the right to withdraw this consent at any time. The legality of the use of your data on the basis of your consent up to the time of withdrawal of consent is not affected.

**d) You have the right to file a grievance with the responsible supervisory authority:**

Name: Prof. Dr. Thomas Petri (Data Protection Officer for the State of Bavaria)

Address: Wagnmüllerstraße 18, 80538 München

Telephone: +49 (0) 89 212672-0

E-mail: [poststelle@datenschutz-bayern.de](mailto:poststelle@datenschutz-bayern.de)

Contact: <https://www.datenschutz-bayern.de/>

**e) The provision of personal data:**

1.  is mandated by law or  mandated by contract,
2.  is necessary to complete a contract,
3.  is based on your obligation to provide it.

Consequences of your not providing the data: Incomplete documents shall be excluded from the commissioning process; it will not be possible to award a commission.

**f)** Is automated decision-making including profiling in place?

No  Yes

## (3) Change of purpose

We wish to use the personal data for a different purpose than that for which it was collected:

No  Yes

## **APPENDIX 1**

### **Excerpts from the EU General Data Protection Regulation 2016/679 (GDPR)**

#### **Art. 13 GDPR**

##### **Information to be provided where personal data are collected from the data subject**

1. Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information:
  - a) the identity and the contact details of the controller and, where applicable, of the controller's representative;
  - b) the contact details of the data protection officer, where applicable;
  - c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
  - d) where the processing is based on point (f) of Article 6 (1), the legitimate interests pursued by the controller or by a third party;
  - e) the recipients or categories of recipients of the personal data, if any;
  - f) where applicable, the fact that the controller intends to transfer personal data to a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or in the case of transfers referred to in Article 46 or 47, or the second subparagraph of Article 49 (1), reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available.
2. In addition to the information referred to in paragraph 1, the controller shall, at the time when personal data are obtained, provide the data subject with the following further information necessary to ensure fair and transparent processing:
  - a) the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
  - b) the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability;
  - c) where the processing is based on point (a) of Article 6 (1) or point (a) of Article 9 (2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
  - d) the right to lodge a complaint with a supervisory authority;
  - e) whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and of the possible consequences of failure to provide such data;
  - f) the existence of automated decision-making, including profiling, referred to in Article 22 (1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
3. Where the controller intends to further process the personal data for a purpose other than that for which the personal data were collected, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2.
4. Paragraphs 1, 2 and 3 shall not apply where and insofar as the data subject already has the information.

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**Art. 15 GDPR**  
**Right of access by the data subject**

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:
  - a) the purposes of the processing;
  - b) the categories of personal data concerned;
  - c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
  - d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
  - e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
  - f) the right to lodge a complaint with a supervisory authority;
  - g) where the personal data are not collected from the data subject, any available information as to their source;
  - h) the existence of automated decision-making, including profiling, referred to in Article 22 (1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.
3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.
4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

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**Art. 16 GDPR**  
**Right to rectification**

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

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**Art. 17 GDPR  
Right to erasure ('right to be forgotten')**

1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:
  - a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
  - b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6 (1), or point (a) of Article 9 (2), and where there is no other legal ground for the processing;
  - c) the data subject objects to the processing pursuant to Article 21 (1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21 (2);
  - d) the personal data have been unlawfully processed;
  - e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
  - f) the personal data have been collected in relation to the offer of information society services referred to in Article 8 (1).
2. Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.
3. Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:
  - a) for exercising the right of freedom of expression and information;
  - b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
  - c) for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9 (2) as well as Article 9 (3);
  - d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
  - e) for the establishment, exercise or defence of legal claims.

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**Art. 18 GDPR  
Right to restriction of processing**

1. The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:
  - a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;
  - b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
  - c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
  - d) the data subject has objected to processing pursuant to Article 21 (1) pending the verification whether the legitimate grounds of the controller override those of the data subject.
2. Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.
3. A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.

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**Art. 20 GDPR**  
**Right to data portability**

1. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:
  - a) the processing is based on consent pursuant to point (a) of Article 6 (1) or point (a) of Article 9 (2) or on a contract pursuant to point (b) of Article 6 (1); and
  - b) the processing is carried out by automated means.
2. In exercising his or her right to data portability pursuant to paragraph 1, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.
3. <sup>1</sup>The exercise of the right referred to in paragraph 1 of this Article shall be without prejudice to Article 17. <sup>2</sup>That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
4. The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others.

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**Art. 21 GDPR**  
**Right to object**

1. <sup>1</sup>The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6 (1), including profiling based on those provisions. <sup>2</sup>The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.
2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.
3. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.
4. At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.
5. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.
6. Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89 (1), the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.