



TECHNISCHE  
UNIVERSITÄT  
WIEN

# Data Protection Information for Employees and Independent Consultants

Protecting and securing data are important matters at TU Wien. Personal data are processed in strict compliance with the principles and requirements laid down in GDPR<sup>1</sup> and the Austrian DSG<sup>2</sup>. TU Wien processes only those data required to achieve the purposes intended and at all times endeavors to ensure the security and accuracy of the data.

## Controller:

Rectorate of TU Wien

Karlsplatz 13

1040 Vienna

## Data Protection Officer:

Mag. Christina Thirsfeld,

TU Wien, Karlsplatz 13/018

1040 Vienna

[datenschutz@tuwien.ac.at](mailto:datenschutz@tuwien.ac.at)

## Purpose of data processing:

We collect your personal data for processing and transfer of data for payroll and earnings purposes and to comply with record keeping, information and reporting obligations, provided this is required by statutes or standards of collective bargaining law or employment contract obligations, including automatically assisted and archived text documents (such as correspondence) in these matters.

**We collect personal data directly from you.**

## Legal basis for data processing:

This use of personal data is based on one of the following legal bases, as applicable:

- the necessity of processing your personal data to fulfil your labour or employment contract;
- fulfilment of statutory obligations as employer in accordance with Article 6, par 1 (d) GDPR;
- exercising the employer's justified interests in accordance with Article 6, par 1 (f) GDPR, and
- in certain special and limited cases, your consent

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<sup>1</sup> General Data Protection Regulation

<sup>2</sup> Data Protection Act (Datenschutzgesetz)

### Categories of data to be processed:

- Employment application data (school record and resume, professional qualifications, additional qualifications, references)
- Core personal data (name, date of birth, gender); personal ID,
- Contact data (address, telephone number, email address),
- Data on employment or training contracts (date of commencement, date of completion),
- Religious affiliation (for absence management on religious holidays),
- Family status, data on family membership (e.g. name, birth date, social security number),
- Health data in connection with the Employee Protection Act (ASchG) and the 2017 Health Monitoring Ordinance (VGÜ 2017) (e.g. suitability, occupationally required vaccinations),
- Photo,
- Citizenship, statutory employment conditions (dates of residence and work permits),
- Working hour data,
- Position as Works Council member, function on Works Council election committee,
- Data on holiday leave management and for absence units (e.g. illness, maternity leave, release),
- Bank account data,
- Financial data (e.g. sole earner deduction amount),
- Earnings data (e.g. gross and net salary, wage garnishment data) and expense reimbursements (e.g. travel expenses),
- Social security data, co-insured inclusion,
- Data for employee welfare fund,
- Data for pension fund,
- Degree of invalidity under the Handicapped Employment Act,
- Additional occupation,
- Data from training and advanced training measures

### Categories of recipients of personal data:

Your personal data is forwarded, on the basis of statutory regulations or contractual agreements, to the following recipients:

- Payroll accounting (Bundesrechenzentrum GmbH/Austrian Federal Computing Centre);
- Social security agencies (including the company health plan);
- Federal Office for Social and Handicapped Affairs (Social Ministry Service), e.g. under section 16 of the Austrian Disability Employment Act - BEinstG);
- Tax Office;
- Company pension funds in accordance with § 11(2) 5., and § 13 of the Austrian Occupational Pensions Act;
- Apprentice/Trainee Office in accordance with § 12 and 19 of the Austrian Vocational,
- Training Act and vocational schools;
- Labour market service (AMS);
- Labour Inspectorate, in particular § 8 of the Labour Inspection Act;
- District Administration Authority in administrative police matters (authority under ASchG);
- Employee health service under ASchG;
- Funding bodies in accordance with § 26 and 27 of the Universities Act 2002 and their control bodies;
- Transmission of data in connection with statutory controlling:
  - in accordance with the University Education Documentation Ordinance (BidokVUni) to the Federal Ministry of Education, Science and Research and to Statistics Austria
  - Austrian Audit Office



- Transmission of data in connection with statutory audits by the
  - Austrian Audit Office
  - Statistics Austria
  - Federal accounting agency
  - other auditing bodies (e.g. with joint employee audits)
  - accounting firm
- Election committee of the works council elections;
- Bodies representing company interests (in particular the Works Council in accordance with § 89 of the Worker Representation Act, security wardens in accordance with § 10 ASchG and handicapped spokespersons in accordance with § 22 (a) BEinstG);
- Creditors of the subject as well as others eventually involved in related legal enforcement, including with voluntary salary deductions for claims due;
- Banks involved in disbursement to the subject or to third parties;
- Trades union identified by the employee, with the consent of the subject in question;
- Others included in insurance cover;
- Pension funds;
- Insurance agencies in connection with existing group or individual insurance;
- In case of a quarantine ordered in connection with Covid-19 to the MA 11 according to § 32 (3) Epidemiegesetz.

### Data processing for purposes of system administration and security:

On the basis of applicable statutory data protection regulations, a certain series of your data is processed for system administration and security, such as for administration of user codes, distribution of hardware and software to system users as well as for the system's security. This includes automatically generated and archived text documents (such as correspondence) in these matters. Without such data processing, safe operation of the system and thus employment in our enterprise is not possible.

The legal basis for the software tools used at TU Wien as operating resources, e.g. [campus software](#) and [TU.it services](#), is Article 6, par 1 (b) GDPR (performance of a contract).

### Data processing for purposes of processing, documenting and preserving evidence, monitoring and reviewing research or third party funded projects:

For purposes of settlement, documentation and preservation of evidence, monitoring and review of research and externally financed projects on the basis of applicable statutory regulations, employment contract data (including information on degree and extent of employment, on range of tasks and employment duration) and payroll relevant data (employment contracts, time records, absences, salary receipts) are processed and transmitted to the grant donor in question and its auditing bodies.<sup>3</sup>

### Data processing for purposes of settlement and administration of seminars and internal further education programmes:

For purposes of registering for and administering seminars (participant management, generation of participant lists, sending of partially automatically generated emails relating to the registration process and participation, issuance of participation confirmations, information about future events) as well as administration of event evaluations, employee data (first and last name, title, gender, email address, organisational unit) are processed and transmitted to the trainers and lecturers for preparation and conduct of the seminars.

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<sup>3</sup> Details see annex: § 2g FOG





TU Wien has a justified interest in informing its employees about the opportunities for personal development and on subjects of personal development and internal further education as well as on further education programmes of internal faculties and then implementing those programmes organisationally and communication technology-wise.

### **Publication of professional contact data on the intranet:**

For contacting colleagues, professional contact data are published on the intranet. This is done out of our justified interest in a smooth conduct of business.

### **Publication of professional contact data on the TU Wien homepage:**

For contacting by customers and suppliers, professional contact data of employees are published on the internet. This is done out of our justified interest in a smooth conduct of business.

### **Data processing in case of labour disputes:**

If during an ongoing contract or employment or after termination of one a judicial dispute ensues, the data required for the appropriate legal action is transmitted to legal counsel and the courts.

### **Data processing when using TUpeerTube:**

With TUpeerTube a distribution of self-recorded videos for teaching is possible. TUpeerTube is completely hosted and also operated at the TU Wien in the DataCenter of TU.it. The data (name and e-mail address are stored when uploading videos) are not transmitted to third parties. The number of times a video is accessed is recorded anonymously. For users, the system records which videos have been accessed; this can be deactivated or deleted by switching off the "history function".

### **Processing of voluntary information - consent:**

Indication of a religious affiliation occurs voluntarily and on the basis of your consent if you wish to avail yourself of the corresponding rights.

The indication of your trade union membership occurs voluntarily and on the basis of your consent if you wish to pay your union dues via the employer.

The indication of health data occurs voluntarily and on the basis of your consent if you wish to avail yourself of the work and medical benefits provided by TU Wien. The data is only used by the industrial medicine service.

The publication of your photo on the intranet or on the TU Wien website occurs voluntarily and on the basis of your consent. This consent is deemed to be given when uploading your own image and may be revoked at any time, also by your own erasure of the image. The photo is also used for other TU Wien services such as for the TU Wien homepage. For an employee ID card, the use of a photo for purposes of establishing identity is mandated, and in such a case processing occurs on the basis of TU Wien's overwhelming interest in being able to identify persons.

All consents may be revoked separately of each other at any time. Revocation entails that we no longer process your data for the above cited purposes as of that moment and that the corresponding rights, advantages, etc. may no longer be availed of.





For revocation, please contact [datenschutz@tuwien.ac.at](mailto:datenschutz@tuwien.ac.at)

### Storage retention period:

We store your data up until termination of contract or employment and beyond that as long as statutory retention periods so require or as long as legal claims under the contract or employment can still be asserted in relation to the employer or client.

### Your rights in connection with personal data:

As the subject of this data processing you have the following rights in relation to TU Wien:

- Right to information
- Right to rectification
- Right to erasure
- Right to restriction of processing
- Right to data portability
- Right to object

As the subject, you furthermore have the right to complain to the data protection authority about any alleged inadmissible data processing or about failure to fulfil our obligations under GDPR.

### Supplement regarding access management for contact tracing in connection with Covid-19:

In order to enable fast, coordinated and effective action in the event of a Covid-19 (suspected) case, the access of employees and students to TU Wien buildings will be registered by scanning a QR code beginning with the winter semester 2020/2021. Thus, a central and GDPR-compliant digital contact person management will be implemented at TU Wien.

### Data recorded during registration:

- Timestamp of the scan or registration.
- TISS ID of the logged in person
- Relevant building
- QR content
- Random browser ID

Data from the access management system is processed exclusively in TISS in a stand-alone database and is not linked to any other system.

The data is not transmitted to other internal technical systems.

The data is stored for a period of 14 days from the date of registration and then automatically deleted.

In the event of a Covid-19 (suspected) case, possible contacts can be evaluated.

If necessary and required, the data will be transmitted to health authority and the Federal Ministry of Education, Science and Research.





The action is based on Article 6 par 1 (e) GDPR in conjunction with a company agreement, which is limited until 30.6.2022.

## Supplement regarding Data Protection Declaration of Consent for the TISS 3-G Verification

The TISS 3-G-Proof allows easy and secure access to TU buildings in 2 steps:

1. Uploading the green pass to TISS
2. Presenting the TISS access screen on your smartphone at the entrance of the building

### Processing of your Data

In order to use this service, a one-time consent for the processing and storage of the following data is required. The following personal data from the Green Pass will be processed.

- Name
- Date of birth
- Type of certificate (tested, recovered, vaccinated)
- Type of vaccine (only vaccines with a valid EU authorization can be processed)
- Time of vaccination/test/recovery
- In case of a test - the test result

These data are only processed, but not stored.

### Storage of your Data

For the provision of the corresponding TISS access screen on your smartphone, it is necessary to store the following data until revoked, or until there is no more need for a control of a low epidemiological risk.

- Period of validity of the proof
- Photo (if no TU-Card photo is available)

9.11.2021



## Anhang § 2g FOG

### Verarbeitungen durch Art-89-Förder- und Zuwendungsstellen

#### § 2g.

(1) Art-89-Förder- und Zuwendungsstellen (§ 2b Z 1) dürfen zur Vergabe von Art-89-Mitteln für die Entwicklung und Erschließung der Künste und Zwecken gemäß Art. 89 Abs. 1 DSGVO sowie der Geltendmachung, Ausübung und Verteidigung von Rechtsansprüchen insbesondere

1. Anträge, Anbote, Verträge, Gutachten sowie sonstige Daten im Sinne des § 2b Z 5 („Förderunterlagen“) verarbeiten, d.h. insbesondere an andere Art 89-Förder- und Zuwendungsstellen, öffentliche Stellen, Gutachterinnen und Gutachter sowie Auftragsverarbeiter übermitteln, wobei Förderunterlagen jedenfalls für die Dauer von zehn Jahren, und zwar

- a) im Falle der Zurücknahme oder Nichtweiterverfolgung des Antrags oder Anbots oder einer negativen Entscheidung ab dem letzten Kontakt und
  - b) im Falle einer positiven Entscheidung ab dem Ende des Jahres der Auszahlung der gesamten Art-89-Mittel (§ 2b Z 2) oder des gesamten Entgelts, gespeichert und gegebenenfalls sonst verarbeitet werden dürfen, oder (Anm.: Datenschutz-Folgenabschätzung zu Abs. 1 Z 1 siehe Anlage 11)
2. im Internet oder im Rahmen sonst öffentlich zugänglicher Berichte
- a) bei natürlichen Personen
    - aa) Vornamen,
    - bb) Familiennamen,
    - cc) akademische Titel,
    - dd) Geschlecht,
    - ee) Foto sowie
    - ff) gegebenenfalls die Herkunfts- und Zielinstitution und
  - b) sonst Bezeichnung, Anschrift und Sitz von Empfängerinnen und Empfängern von Art-89-Mitteln, Auftragswerberinnen und -werbern, Projektleiterinnen und -leitern sowie Projektpartnerinnen und -partnern jedenfalls zehn Jahre ab Zuerkennung der beantragten Art-89-Mittel oder Beauftragung, danach bis auf Widerruf, gemeinsam mit dem Titel, der Beschreibung, der Laufzeit und weiteren Angaben zum geförderten Projekt veröffentlichen, es sei denn, die Veröffentlichung ist geeignet, die öffentliche Sicherheit, die Strafrechtspflege, die umfassende Landesverteidigung, die auswärtigen Beziehungen oder berechnigte private oder geschäftliche Interessen zu verletzen, oder
3. die folgenden Daten von Empfängerinnen und Empfängern von Art-89-Mitteln oder Auftragswerberinnen und -werbern für Zwecke der Kontaktaufnahme jedenfalls für die Dauer von zehn Jahren ab dem in Z 1 lit. a oder b angeführten Zeitpunkt speichern und gegebenenfalls sonst verarbeiten:
- a) die Namensangaben gemäß Abs. 2 Z 1,
  - b) die Personenmerkmale gemäß Abs. 2 Z 2,
  - c) die Adress- und Kontaktdaten gemäß Abs. 2 Z 5,
  - d) die Angaben gemäß lit. a bis c zu allfälligen Projektpartnerinnen und -partnern,
  - e) soweit verfügbar, Angaben zur Ausbildung gemäß Abs. 2 Z 7,
  - f) soweit verfügbar, Angaben zu erhaltenen Art-89-Mitteln (§ 2b Z 2), insbesondere Angaben zu geförderten Projekten, sowie
  - bb) Mobilitäten gemäß § 10a Abs. 4 OeADG.

(2) Anträge, Anbote und Verträge (Abs. 1 Z 1) dürfen insbesondere folgende Daten umfassen:

1. Namensangaben:
  - a) Vorname(n), Familienname bzw. Bezeichnung,
  - b) Geburtsname,
  - c) akademischer Grad,
  - d) Titel, Ansprache,
2. Personenmerkmale:
  - a) Geburtsdatum,
  - b) Geburtsort, soweit verfügbar,



- c) Geschlecht,
  - d) Staatsangehörigkeit,
  - 3. Angaben zur Identifikation, wie insbesondere
    - a) Nummer, ausstellende Behörde und Ausstellungsdatum der zur Identifikation verwendeten amtlichen Lichtbildausweise oder
    - b) nationale Personenkennungen in Form bereichsspezifischer Personenkennzeichen, wie insbesondere des Tätigkeitsbereichs „Bildung und Forschung“, oder
    - c) interne oder internationale Personenkennungen,
  - 4. soweit verfügbar, Angaben zur Institution der antragstellenden Person(en):
    - a) Bezeichnung,
    - b) Rechtsform,
    - c) elektronische Kennung gemäß § 6 Abs. 3 E-GovG,
    - d) Adress- und Kontaktdaten der Institution gemäß Z 5,
    - e) Kontaktperson mit den Angaben gemäß Z 1 und 5,
  - 5. Adress- und Kontaktdaten:
    - a) Adressdaten,
    - b) Angaben zur elektronischen Erreichbarkeit,
  - 6. Angaben gemäß Z 1, 2, 4 und 5 sowie Abs. 4 Z 3 zu Projektpartnerinnen und -partnern,
  - 7. Angaben zur Ausbildung und wissenschaftlichen Karriere, wie insbesondere
    - a) Beginn, Dauer und Erfolg von absolvierten Ausbildungen,
    - b) besuchte Bildungseinrichtungen, wenn möglich unter Angabe von Studienkennzahl und Studienrichtung,
    - c) Angaben zu Mobilitäten gemäß § 10a OeADG,
    - d) Hauptforschungsbereiche,
    - e) bisherige Publikationen,
    - f) akademische Anerkennungen,
    - g) bisherige Projekte,
    - h) bisherige Kooperationspartnerinnen und -partner,
    - i) bisherige akademische Funktionen und wissenschaftlicher Werdegang,
    - j) andere beantragte und bewilligte Art-89-Mittel (§ 2b Z 2) sowie
  - 8. Fotos aller am Projekt beteiligten natürlichen Personen,
  - 9. sonstige Angaben, wie insbesondere
    - a) zu unterhaltspflichtigen Kindern und Partnerinnen und Partnern,
    - b) zur Bankverbindung,
    - c) zur beruflichen Position,
  - d) Daten (§ 2b Z 5), die für die sachgemäße Abwicklung und Evaluierung von Anträgen, Angeboten und Verträgen erforderlich sind sowie
  - e) Daten (§ 2b Z 5) betreffend die Einstellung und Rückforderung von Art-89-Mitteln (§ 2b Z 2).
- (3) Aus Gründen der öffentlichen Sicherheit, der Strafrechtspflege, der umfassenden Landesverteidigung, der auswärtigen Beziehungen oder berechtigter privater Interessen dürfen Anträge und Angebote über Abs. 2 hinaus auch
- 1. Gesundheitsdaten und
  - 2. personenbezogene Daten über strafrechtliche Verurteilungen und Straftaten
- umfassen.
- (4) Empfängerinnen und Empfängern von Art-89-Mitteln, Beauftragte sowie Art-89-Förder- und Zuwendungsstellen dürfen für Zwecke der Abwicklung, der Dokumentation und Beweissicherung, des Monitorings und der Revision von Art-89-Mitteln (§ 2b Z 2) sowie Beauftragungen über Abs. 2 hinaus insbesondere folgende Daten verarbeiten:
- 1. Angaben zur näheren Beschreibung des Projekts, wie etwa Titel, Laufzeit, Thema und Klassifikation,
  - 2. Angaben zu allen im Rahmen des Projekts beschäftigten Personen, wie insbesondere
    - a) Arbeitsverträge,
    - b) nähere Angaben zum Arbeitsverhältnis,







- c) Arbeitszeitaufzeichnungen,
  - d) Abwesenheiten,
  - e) Gehaltsbelege,
  - f) Qualifizierungs- und Karriereschritte sowie
  - g) Angaben zu Reise- und Vortragstätigkeiten sowie
  - 3. Angaben zur wirtschaftlichen und unternehmerischen Tätigkeit vor und nach der Auszahlung der gesamten Art-89-Mittel (§ 2b Z 2) oder des gesamten Entgelts, wie insbesondere
    - a) Unternehmensdaten,
    - b) Strukturdaten und
    - c) Leistungsdaten sowie
  - 4. sonstige Kostennachweise.
- (5) Für die Verarbeitungen gemäß Abs. 1 Z 1 und 2 sowie Abs. 4 sind das Recht auf Löschung gemäß Art. 17 Abs. 3 Buchstabe b DSGVO und das Widerspruchsrecht gemäß Art. 21 Abs. 6 DSGVO ab dem Zeitpunkt der Zuerkennung von Art-89-Mitteln ausgeschlossen.
- (6) Art-89-Förder- und Zuwendungsstellen (§ 2b Z 1) haben über geplante Verarbeitungen gemäß Abs. 1 öffentlich einsehbar im Internet zu informieren.
- (7) Die Art-89-Förder- und Zuwendungsstellen (§ 2b Z 1) sind Verantwortliche im Sinne des Art. 4 Nr. 7 DSGVO der Verarbeitungen gemäß Abs. 1.

