

DATA PROTECTION DECLARATION FOR EMPLOYEES

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DEAR EMPLOYEES,

Data protection and its safeguarding are important issues for Silicon Austria Labs GmbH (hereinafter referred to as SAL, we or us). Personal data is processed in strict compliance with the principles and requirements set forth in the GDPR¹ and the Austrian Data Protection Act² as well as other applicable data protection regulations. With this data protection declaration, we describe how we collect and process personal data of our employees.

This data protection declaration is not necessarily a complete description of all our data processing activities. Other data protection declarations, special data protection notices or similar documents may apply in certain circumstances, to which we will refer you separately. In particular, company agreements may exist with regard to the processing of personal data of employees. These can be accessed on Sharepoint.

1. CONTROLLER AND DATA PROTECTION OFFICER

Silicon Austria Labs GmbH
Sandgasse 34
8010 Graz
contact@silicon-austria.com

Data protection officer:
Sandgasse 34
8010 Graz
dpo@silicon-austria.com

2. PURPOSES OF DATA PROCESSING AND LEGAL BASIS

2.1. Human Resources Management

2.1.1. Purpose of processing

The processing, storage and transmission of personal data is carried out for wage, salary, remuneration accounting and compliance with recording, information and reporting obligations, insofar as this is required in each case on a legal basis or on the basis of collective-law or employment contract obligations, including automatically created and archived text documents (such as correspondence) in these matters. Without this data, we cannot correctly process the contract with you. This also applies to all voluntary social benefits provided by the employer as well as to external education and training offers.

2.1.2. Lawfulness of processing

The processing of personal data is based on at least one of the following legal bases, where applicable:

¹ General Data Protection Regulation – Regulation (EU) 2016/679 in its respective valid version

² Datenschutzgesetz - BGBl. I Nr. 165/1999 in its respective valid version

- a) For the fulfillment of contractual obligations (art. 6 para. 1 lit b GDPR) or due to legal requirements (art. 6 para. 1 lit c GDPR or art. 9 para. 2 lit b GDPR)

Primarily, personal data is processed that is required for the fulfillment of the (employment) contract. The purposes of data processing are mainly based on the respective statutory regulations intended for this purpose (e.g. wage, salary and remuneration accounting; compliance with recording, information and reporting obligations; voluntary social benefits; education and further training offers).

- b) Within the framework of legitimate interests (art. 6 para. 1 lit. f GDPR)

To the extent necessary, we process personal data beyond the performance of the (employment) contract in order to protect SAL's legitimate interests.

- c) Based on your consent (art. 6 para. 1 lit a GDPR or Art. 9 para. 2 lit a GDPR)

Insofar as you have given us consent to process your personal data for specific purposes (e.g. taking photos or videos at events; use of image recordings, etc.), the processing is carried out and based within the scope of such consent, unless we have another legal basis on which we can rely in the specific case.

2.1.3. Sources and types or categories of personal data

In general, we process personal data that you have provided us within the course of your application, as well as data that you either provide us within the course of your employment with SAL or that is necessary to fulfill our employer obligations or other legal obligations (e.g. time records, payroll; marital status, information from projects you have worked on, photos from events you have attended, etc.).

The disclosure of your religious confession is voluntary and based on your consent if you wish to make use of the respective associated rights. The disclosure of your membership in a labor union is voluntary and based on your consent, if you have the union contribution paid by the employer. The disclosure of emergency contacts is voluntary and based on your consent and primarily serves your private or family interests.

To the extent required by statutory obligations, we also process personal data that we receive from publicly accessible sources (e.g. register of debts, register of companies and associations, press, internet), that are legitimately transferred to SAL, as well as data that we receive from public authorities or from third parties (e.g. labor market service (AMS), district administrative authorities, service providers, temporary employment agencies, etc.).

In particular - not exclusively - we process the following personal data from you:

- Application data (educational and professional background, professional qualifications, additional qualifications, references),
- Personal data (name, title, date of birth, gender),
- Contact information (address, phone number, e-mail address),
- Data on the employment relationship (job title, officer function if applicable, entry date, exit date, personnel number, cost center/cost unit),
- Marital status, data on family members (e.g. name, date of birth),

- Photo/video/sound recordings, if applicable,
- Citizenship, legal employment requirements (data on residence permit and work permit),
- Working time data,
- Position as works council, function as election committee of the works council,
- Data on vacation management and absences (e.g., sick leave, maternity leave, leave of absence),
- Bank details,
- Financial data (e.g., sole-earner deduction (Alleinverdienerabsetzbetrag)),
- Remuneration data (e.g. gross and net payment, wage garnishment data) and expense allowances (e.g. travel expenses),
- Social security data, co-insurance data,
- Data for employee pension fund,
- Data for pension fund,
- Degree of disability according to the Disability Employment Act (Behinderteneinstellungsgesetz),
- sideline,
- Information related to your professional role and activities (e.g., in the course of your involvement in research projects, travel information for business trips),
- Information from public registers,
- data received in connection with administrative or judicial proceedings,
- Correspondence related to personnel administration.

2.1.4. Recipients of personal data:

A transfer of the personal data relevant in the respective individual case takes place on the basis of statutory requirements and/or contractual agreement and/or legitimate interest to the following recipients:

- Tax consultancy
- social security institutions (including company health insurance),
- Federal Office for Social Affairs, e.g. according to sec. 16 BEinstG,
- tax authority,
- occupational provision funds (BVK) according to sec 11 (2) (5) and sec 13 BMSVG
- Public Employment Service (AMS)
- Labour inspection authority, especially according to sec 8 AIG,

- Municipal authorities and district authorities in administrative police matters (e.g. trade authority, responsibilities according to ASchG etc.),
- statutory interest groups,
- Recruitment agencies
- company doctors and external preventive services,
- Service providers (e.g., consultants, testing service providers), including processors (e.g., IT providers such as Microsoft),
- Distributors, suppliers, subcontractors and other business partners or cooperation partners (e.g. travel agencies, cab companies, car rental companies, accommodation providers),
- Customers and interested parties (e.g. collaborative projects),
- Education and training providers,
- Legal representatives, courts,
- creditors of the data subject and any other parties to the litigation, including in the case of voluntary assignment of salary for outstanding debts,
- banks making payments to the data subject or third parties,
- co-insured persons,
- Pension funds,
- insurance companies within the framework of group or individual insurance,
- National and international funding authorities or a settlement agency appointed by the funding authority (Art 89 GDPR),
- Depending on the workplace of each employee: Technische Universität Graz, Science Park (Johannes Kepler Universität), High Tech Campus Villach,
- Court of Audit, Accounting firms,
- specified trade union (with the consent of the data subject),
- stated religious confession (with the consent of the data subject),
- Ombud for Equal Treatment, Equal Treatment Commission,
- Election commission for works council election,
- workplace representation bodies (including but not limited to works council according to sec 89 ArbVG, safety representatives according to sec. 10 ASchG, and representatives of disabled people according to sec. 22a BEinstG)

2.2. Data processing for the purposes of handling, documentation and preservation of evidence, monitoring and auditing of research or third-party funded projects

For the purpose of processing, documenting and preserving evidence, monitoring and auditing research or third-party funded projects, data relevant to employment contracts (including

information on the degree and extent of employment, the area of responsibility, the duration of employment) and payroll data (employment contracts, working time records, absences, salary slips) are processed on the basis of the applicable statutory provisions and (funding) contractual obligations and transmitted to the respective cooperation partner or funding body and their auditing bodies, in some cases via project coordinators. This data processing results from statutory or contractual obligations (art. 6 para. 1 lit b and/or c GDPR) or is in the legitimate interest (art. 6 para. 1 lit f GDPR) of SAL to provide an explanation of the use of funds.

2.3. Data processing for the purposes of administration and security of the system

Due to the applicable legal data security regulations, a number of your personal data are processed for the administration and security of the system, such as for the administration of user IDs, the allocation of hardware and software to system users. This includes automatically created and archived text documents (such as correspondence) in these matters. Without this data processing, secure operation of the system and thus employment in our company is not possible.

2.4. Publication of business contact details on Sharepoint

To enable colleagues to contact you, your business contact details will be published on Sharepoint. This is done for our legitimate interest (art. 6 para. 1 lit f GDPR) in a smooth business process. If you do not want your business contact details to be published on the Sharepoint, you can object to the publication.

2.5. Publication of business contact details on the company website

In order to enable interested third parties, customers and suppliers to contact you, the business contact details of employees with external contacts are published on the Internet. This is done for our legitimate interest (art. 6 para. 1 lit f DSGVO) in a smooth business process. If you do not want your business contact details to be published on the website, you can object to the publication.

2.6. Data processing in the event of labor law disputes

If a legal dispute arises during or after termination of the employment relationship, the personal data required for appropriate legal action will be transmitted to legal representatives, courts and other third parties involved in the proceedings (e.g. experts).

3. DATA TRANSFER TO A THIRD COUNTRY OR TO AN INTERNATIONAL ORGANIZATION

Some of the aforementioned recipients may be located in the European Economic Area (EEA) or in a third country. If we transfer personal data from you to a third country, we ensure compliance with an adequate level of protection by providing appropriate safeguards as defined in Chapter V of the GDPR (in particular on the basis of standard contractual clauses of the European Commission).

4. STORAGE PERIOD

We store and process your personal data as long as it is necessary for the fulfillment of your (employment) contract and the fulfillment of legal obligations (statutory retention obligations) or as long as legal claims arising from the employment relationship can be asserted.

5. DATA SUBJECT RIGHTS

You are generally entitled to the right of access (art 15 GDPR), rectification (art 16 GDPR), erasure (art 17 GDPR), restriction of processing (art 18 GDPR), objection (art 21 GDPR), withdrawal (art 7 GDPR) and data portability (art 20 GDPR), if applicable.

All consents can be independently withdrawn at any time. A withdrawal has the consequence that we no longer process your personal data to which the consent relates from this point in time, and thus the corresponding rights, benefits, etc. can no longer be claimed. However, the withdrawal does not affect the lawfulness of the processing of personal data until the withdrawal. For a withdrawal, please contact: dpo@silicon-austria.com.

For reasons relating to your particular situation, you have the right to object to the processing of your personal data based on art 6(1) lit f of the GDPR (data processing in the context of balancing interests) at any time. If you submit an objection, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves the enforcement, exercise or defense of legitimate interests. Please note that in such cases we may no longer be able to perform your (employment) contract.

If you believe that the processing of your personal data violates data protection law or that your data protection rights have otherwise been violated in any way, you may contact the Austrian data protection authority (dsb@dsb.gv.at) or our data protection officer (dpo@silicon-austria.com) with your concerns.

6. CHANGES TO THIS DATA PROTECTION DECLARATION

SAL reserves the right to update or modify this data protection declaration at any time without prior notice. The version currently published on Sharepoint applies.

7. VERSION

Version	Date	Modification	Edited by
2.0	05.05.2023	Fundamental revision	Ricarda Kappel