



Ref. 100.204.02/3

Information on data protection pursuant to Articles 13 and 14 of the GDPR for foreign service staff

The Federal Foreign Office would like to provide you, as a member of staff, with the following general information regarding the processing of your personal data by the Federal Foreign Office and its subordinate agency, the Federal Agency for Foreign Affairs (BfAA), and your rights under the EU General Data Protection Regulation (GDPR). This information applies equally to civil servants, non-civil-servant public service employees and local employees.

The Federal Foreign Office processes the personal data of its staff where necessary for employment purposes. Personal data comprise all information relating to an identified or identifiable natural person. Which specific data are processed and how they are used is largely determined by the legislation governing personnel files and with recourse to other legal bases. The following information regarding our data processing procedures is provided for your assistance and in order to comply with our obligations under [Articles 13 and 14 of the GDPR](#):

1. Controller and Data Protection Commissioner

Under section 2 of the Foreign Service Act, the Federal Foreign Office (headquarters) and the German missions abroad form one single federal authority.

The agency responsible for the processing of personal data, i.e. the controller as defined in Article 4 (7) of the GDPR, is:

Federal Foreign Office
Werderscher Markt 1
10117 Berlin
Tel: +49 (0)30 18 17-0
Fax: +49 (0)30 18 17-3402

Website: www.auswaertiges-amt.de

The Federal Foreign Office Data Protection Commissioner can be contacted as follows:

Federal Foreign Office Data Protection Commissioner
Werderscher Markt 1
10117 Berlin
Tel: +49 (0)30 18 17-7099
Fax: +49 (0)30 18 17-57099

[Contact form](#)

If you work at one of the missions abroad and have questions about data privacy, you can also approach your mission's **contact person for data protection matters**.

2. Purpose and legal basis for the processing of data

Personal data directly and inherently related to the contract of employment (personnel file data) may categorically be used only for personnel administration and personnel management purposes. These include, specifically, organisational, personnel-related and social measures for the purposes of staff planning or staff deployment.

The legal basis for the processing of data, as permitted by [Article 88 of the GDPR](#), is [section 106 ff. of the Federal Officials Act \(BBG\)](#) (German only) and additionally [section 26 of the Federal Data Protection Act \(BDSG\)](#). As there are no provisions applicable to non-civil-servant public service employees or local employees, apart from a few exceptions (e.g. [section 3 \(5\) of the Collective Agreement for the Public Service \(TVöD\)](#) (German only), the rules contained in [section 106 ff. of the Federal Officials Act](#) are applied mutatis mutandis to non-civil-servant public service employees and local employees (c.f. paragraph I of Collected Circular Instructions 11-14).

Personal data not directly and inherently related to the contract of employment but affecting the employee's work situation (data from thematic files) are processed on the basis of particular statutory rules. For instance, security clearance checks are conducted on the basis of [section 2 of the Security Clearance Check Act \(SÜG\)](#) (German only). [Sections 18 to 23 of the Security Clearance Check Act](#) (German only) apply to the keeping of files on security clearance checks (security files). In all other cases, the processing of data takes place on the basis of [section 26 of the Federal Data Protection Act](#), in conjunction with a [collective agreement](#) or a [service arrangement](#) where applicable.

The processing of data within the context of the Personnel Admin System (PVSplus) takes place on the basis of the relevant [service arrangement \(FFO PVS service arrangement\)](#), (German only). This also applies to the processing of data with regard to the electronic certificate of incapacity for work. For the operation of PVSplus, your personal data will also be transmitted to the Federal Information Technology Centre (ITZBund), Personnel Admin System competence centre (K-PVS), DGZ-Ring 12, 13086 Berlin, under a processing arrangement.

The Personnel Admin System Coordination Office has published its own data protection information, which you can find on the Intranet pages of Division 110-7 under the heading [Datenschutz](#) (German only).

Your personal data will also be transmitted as necessary for the processing of travel and relocation expenses, for the recording of working time and for health insurance affairs to the Federal Office of Administration (BVA), Barbarastr. 1, 50735 Cologne, which has been charged with performing these tasks independently. The BVA has published its own data protection information, which you can find on the Intranet pages of Division 113 or by following these links (all in German): [Beihilfe – Financial assistance for healthcare](#) (Division 113-2), [Reisekosten – Travel expenses](#) (Division 113-3) and [Umzugskosten – Relocation expenses](#) (Division 113-4).

Where necessary for the processing of pension issues, your personal data will also be transmitted to the relevant Central Customs Authority (GZD) service centre, Am Propsthof 78 a, 53121 Bonn, which has been charged with performing this task independently.

3. Transmission of personal data to the BfAA

The Federal Agency for Foreign Affairs (BfAA) performs personnel administration functions for the Federal Foreign Office, specifically personnel management for all staff (excluding local employees), for which it has access to PVS and to the personnel files; it is also directly responsible for payroll matters. Your personal data will also be transmitted to the BfAA for these purposes.

In this context, the agency responsible for the processing of personal data, i.e. the controller as defined in Article 4 (7) of the GDPR, is:

Federal Agency for Foreign Affairs
Kirchhofstraße 1-2
14776 Brandenburg an der Havel
Tel: +49 (0)5000-877
Fax: +49 (0)5000-6929

Website: www.bfaa.diplo.de

4. Storage of personal data

The storage period or the retention period for the data in your personnel file is determined by federal law on personnel files, in particular [section 113 of the Federal Officials Act](#). This stipulates that civil servants' personnel files are to be stored for five years after their closure (for details see [section 113 \(1\) of the Federal Officials Act](#)). The personnel files of non-civil-servant public service employees or local employees who have left the Federal Foreign Office are stored for ten years after the end of the year in which their contract expires.

For details see [Collected Circular Instructions 11-14](#) (German only) on the keeping of personnel files (section VI).

Your personal data will be deleted upon expiry of the storage period.

5. Obligation to make data available

A personnel file must be kept pursuant to [section 106 of the Federal Officials Act](#). The personnel file should provide as complete a picture as possible of the employee's professional career in order to ensure appropriate staff deployment decisions and effective personnel planning. The scope of the personnel file is defined in [section 106 ff. of the Federal Officials Act](#) and [Collected Circular Instructions 11-14](#). Unless these data are made available, a contract of employment cannot be concluded, implemented or ended.

6. No automated decision-making, including profiling

Pursuant to [section 114 \(4\) of the Federal Officials Act](#), decisions based on civil service law may not be made solely on the basis of the automated processing of personal data serving to evaluate individual aspects of an employee's character.

Profiling within the meaning of [Article 4 \(4\) of the GDPR](#) is prohibited under [section 9 \(1\) of the FFO PVS service arrangement](#).

No decisions are made on the basis of automated processes based solely on algorithms or machines, including profiling. In other words, no personality profiles are generated by automated means.

7. Your rights

As a data subject, you have the following rights pursuant to the GDPR provided the relevant conditions have been met:

- Right of access ([Article 15 of the GDPR](#))
- Right to rectification ([Article 16 of the GDPR](#))
- Right to erasure ([Article 17 of the GDPR](#))
- Right to restriction of processing ([Article 18 of the GDPR](#))
- Right to data portability ([Article 20 of the GDPR](#))
- Right to object to processing ([Article 21 of the GDPR](#))

Your right to view your personnel file pursuant to [section 110 of the Federal Officials Act](#) and [section 3 \(5\) of the Collective Agreement for the Public Service \(TVöD\)](#) as well as your right to remove documents pursuant to [section 112 of the Federal Officials Act](#) remain unaffected. Details are set down in [Collected Circular Instructions 11-14](#). You may view your personnel file at any time via the PVS Portal or, if you are a local employee, by requesting it from the administration section of the mission abroad.

If the processing of your personal data is based on your consent, you have the right to revoke this at any time. Such withdrawal of consent does not affect the lawfulness of any use based on your consent prior to its withdrawal ([Article 7 \(3\) GDPR](#)).

8. Right to complain to a data protection supervisory authority

You also have the right to complain to a data protection supervisory authority about the processing of your personal data by the Federal Foreign Office ([Article 77 of the General Data Protection Regulation](#)). The supervisory authority responsible for the Federal Foreign Office is:

Federal Commissioner for Data Protection and Freedom of Information