

DATA PROTECTION INFORMATION
for Mobile Staff Applicants and for Mobile Staff
according to GDPR:

Thank you for your interest in *Ärzte ohne Grenzen / Médecins Sans Frontières* (MSF) Austria (“**MSF**”, “**we**”) and our activities. Please note that due to the General Data Protection Regulation of the European Union (“**GDPR**”), we are subject to numerous information obligations and further requirements in connection with data processing operations, with which we comply with the present disclosure. However, at least in certain cases, we are dependent on your cooperation so that we can get in touch with you, process your request and, if necessary, process applications. Accordingly, we ask you to observe the following explanations and to give us your consent to process your personal data in the manner set forth herein.

Our practice of ensuring privacy is in accordance with the GDPR along with the Austrian Data Protection Act 2018 (DSG), the Telecommunications Act (TKG) and other relevant legal provisions.

The protection of your privacy is very important to us. With this in mind, we would like to inform you in detail about how we process your data and what rights you have in this regard in order to foster a trusting relationship over the long term.

As a general rule, data protection regulations are always to be observed whenever personal data are processed. The terms used in this data protection policy are to be understood as defined in the GDPR. Thus, the “processing” of personal data essentially comprises any handling of the same. To the extent that data processed by us are related to a person and – even if only through third parties, in a synopsis or by means of additional knowledge – make you identifiable as a person (in particular, reveal your full name), this is essentially personal data.

1. Who is responsible for data processing and whom can you contact?

If you have any questions or concerns regarding the processing of your personal data, please contact us:

Ärzte ohne Grenzen

Taborstrasse 10

1020 Vienna

Tel.: +43 1 409 72 76

E-mail: datenschutz@aerzte-ohne-grenzen.at

2. What data or categories of data will be processed and where will this data be sourced?

If you are interested in working for MSF or want to apply for a vacancy, we need to process certain data, otherwise we will not be able to contact you and take appropriate organisational action to process your request.

We base our privacy practices on the concept of data economy and only collect data that are strictly needed or that are voluntarily provided by you. For the most part, this is the information we receive from you as part of our relationship, such as when you fill in forms or contact us personally, by telephone or in writing. This concerns, for example, your master data, contact data, your occupation, all data from your job application documents or individual information from direct contacts

(conversation, telephone conversation, correspondence) with you. In the job application process, we conduct various interviews and tests, the results of which we also process and save.

In the initial contact with interested parties, we collect at least the name and an e-mail address or other contact options, which makes targeted communication possible in the first place.

As we are an international organisation, we also have access to internal organisation databases of *MSF*. If you have already provided your data to *MSF* in the past, it is possible that this information will come to our attention.

When submitting your job application to us, we need a more comprehensive synopsis of your personal information so that we can properly evaluate your suitability for vacancies. This includes – as far as we have not been informed of data in the context of prior contact – among others (i) details of your technical or personal skills, competencies and experience, your motivation and your personal environment; (ii) information on (former) employment relationships and prior professional experience (information can also be used for background screening to confirm statements in an applicant's resume, such as education or experience); (iii) further contact details and information directly related to your person (date of birth, place of birth, nationality, postal address, e-mail address, telephone number). Further along the job application process, data on your state of health will be processed and, special proof of your existing physical condition, which is absolutely necessary when considering possible assignments, can be requested. It is in both parties' interests to disclose any health issues at an early stage so that the right assignment can be found.

For this we need your consent (see point 4), As these are special categories of data (see point 4) that may only be processed under more stringent conditions

3. Information in accordance with Article 14 GDPR

We also process data that is not collected directly from you. This may concern the following data types/data categories:

- Information provided to us by previous employers
- Information that we obtain from publicly accessible sources (such as internet searches).

4. For what purposes and on what legal basis will the data be processed?

We base the lawfulness of data processing on the legal foundations provided by the GDPR. In many cases, this involves the implementation of pre-contractual measures pursuant to Art. 6 (1) (b) GDPR. We process your personal data for the following purposes and on the following legal bases:

- HR management (performance of contracts, Art. 6 (1) (b) GDPR, as well as the compliance with legal obligations, e.g. statutory tax or social security requirements to the extent required by law, Art. 6 (1) (c) GDPR) and Art. 9 (2) (b) GDPR and for statistical evaluations to optimize personnel planning, Art 6. (1) (f) GDPR.
- Job application management (implementation of pre-contractual measures at the request of the data subject, Art. 6 (1) (b) GDPR) and
- Verification of certain health data for the corresponding evaluation of your application in order to offer you suitable assignments (consent of the data subject, Art. 6 (1) (a) and Art. 9 (2) lit a GDPR).

In order to improve our recruiting processes, we might contact you via the e-mail address you have provided and offer you the opportunity to provide your personal feedback, Art. 6 (1) (f) GDPR. Providing feedback is voluntary and anonymous. You have the right to object to being invited to give feedback. If you wish to object, please send an email to datenschutz@aerzte-ohne-grenzen.at. Since contact in the cases dealt with is essentially established by you, data are often processed only for some of the purposes described here. As already mentioned, information transmitted to us is based to a large extent on voluntary self-disclosure.

If you submit a job application to us, we need information in the defined scope to process and review the same. In principle, these are measures which, with regard to a contract to be concluded in the future, are carried out at your request, which is to be regarded as a special case of the lawfulness of the **performance of a contract** (Art. 6 (1) (b) GDPR). In detail, however, there may also be differences in terms of the scope of information, as different (quality) requirements must be placed on job applicants depending on the field of activity.

If you become our employee, we process the data as part of HR management for contract performance and legal obligations. In this context, this may also include the updating of the data, the further storage thereof and further training management.

5. Who will receive my data?

We will send your personal data to the following recipients, for the above purposes:

Within our organisation, those bodies or employees receive your data that are needed to comply with their contractual or legal obligations. These included the departments of Recruiting, Communications, Finance and Human Resources (Vienna and if applicable Prague). Due to the international activities of the *Médecins Sans Frontières* movement, as already mentioned, your data will also be transmitted to databases in third countries operated by the organisation “*Médecins Sans Frontières*” (MSF international, a network of member associations). Furthermore, your data will be transmitted to the respective office of the operational directorates during the assignment planning process. These operational directorates are located in Brussels, Barcelona, Amsterdam, Geneva, Paris and Abidjan. More operational directorates might exist in the future. The operational directorates in turn send certain required data to the respective country of assignment or its embassies (typically third country), if there is a “match” – more detailed information on such data transfers may be granted in individual cases, if necessary. For certain purposes, such as the administration of training courses or the administration of the “End of Assignment Survey”, contact details are passed on to so-called partner sections within the international network of *Médecins Sans Frontières*. In order to be able to offer psychological support before or after an assignment, the start and return date of the assignment as well as contact details are forwarded to the members of the so-called peer support network (MSF mobile staff trained in providing support to active Mobile staff)). These are subject to the duty to observe confidentiality.

External processors process your data if they need it for the services to be provided to us. All processors will be placed under a corresponding contractual obligation to handle your data confidentially and only to process it within the framework of the provision of their service. These shall include:

- IT service providers used by us (including database providers and IT support),
- further training providers,
- Skills assessment platforms for language or technical skills (e.g. HALLO (US), ClassMarker (Australia))
- insurance companies (e.g. S-Versicherung, Hauteville Insurance Company),

- travel agency,
- hotels,
- Emailing tools (e.g. ActiveCampaign),

Your data will also be transmitted to **external recipients** who are not processors. This relates mainly to courts, public authorities (Labour Inspectorate, Federal Ministry of Finance, Federal Ministry of Internal Affairs, Federal Ministry for Europe, Integration and Foreign Affairs) and other legally stipulated recipients, such as social insurance providers, which process the personal data to the extent required. Furthermore, our external payroll clerk (tax consultant) as well as notaries based in Austria, whose activities are strictly regulated by law, receive certain data that are necessary for the performance of the contract.

Some of these processors/recipients are located outside of Austria or the EU or process your personal data there. However, we only transfer your personal data to countries for which the EU Commission has determined that they have an adequate level of data protection, or we take measures to ensure that all recipients have an adequate level of data protection. For example, we include standard contractual clauses or use processors who have a Privacy Shield certification. We also rely on exceptions for certain cases in accordance with Art. 49 GDPR, as the transfer is necessary for the implementation of pre-contractual measures at the request of the data subject.

Our processors are contractually bound to our privacy practices and will treat your personal data as strictly confidential. In no case will they transfer your data without your consent to third parties or use them for purposes other than those required to perform their duties vis-à-vis MSF and as expressly authorised by us. An up-to-date list of our processors can be provided on request.

6. How long will my data be stored for?

Your personal data will only be stored by us for as long as is necessary to achieve the purposes set out in item 4 and as permitted under applicable law. In any case, we will store your personal data for as long as there are statutory retention periods or statutes of limitations in respect of potential legal claims have not yet expired. If a service or other employment-related relationship is established, we will retain the data for the duration of the employment and delete it upon expiration of the statutory retention obligations. If a service or other employment-related relationship does not materialise, the data will be kept for a maximum of seven months from the date of information about the outcome of your job application and then deleted. Said data will only be stored for a longer period of time if so desired by you and if you have given us a separate consent.

7. Am I obliged to provide data?

As part of the communicative relationship with MSF and any application process, you only need to provide personal data that are required in the context. Unfortunately, if you do not provide us with these data, we will be unable to process/accept your requests. You are, however, not obliged to provide us with any additional data. Voluntary transmission of data is at your own discretion. Data processing, which is based (exclusively) on voluntary data, can be terminated at any time at your request with effect for the future. Please contact us at datenschutz@aerzte-ohne-grenzen.at.

8. What data protection rights do I have?

An essential aspect of data protection law is to grant you certain dispositions over your personal data even once data processing has already begun. For this purpose, there are a number of data subject rights, which we will comply with immediately upon request, but at the latest within one

(1) month. In order to exercise your rights, contact us via the following e-mail address: datenschutz@aerzte-ohne-grenzen.at.

Specifically, the following rights are defined:

- (a) If you exercise your **right of access** and there are no legal restrictions, we will inform you comprehensively about our processing of your data. To this end, we will send you (i) copies of the data (e-mails, database extracts, etc.), as well as information about (ii) data specifically processed, (iii) processing purposes, (iv) categories of processed data, (v) recipients, (vi) the retention period or criteria for their determination, (vii) the origin of the data and (viii) if necessary further information depending on the individual case. Please note, however, that we cannot provide documents that could negatively affect the rights of others.
- (b) With the **right to rectification**, you can request that we correct inaccurately recorded, obsolete or (for the respective processing purpose) incomplete data. Your request will then be reviewed and the processing of such data may be restricted for the duration of the review upon request.
- (c) The **right to erasure (of data)** may be exercised (i) if not necessary with regard to the processing purpose, (ii) in the case of revocation of consent granted by you, (iii) in case of special objection, to the extent that the data processing concerned is based on the legitimate interests of MSF, (iv) in case of unlawful data processing, (v) if there is a legal erasure obligation as well as (vi) when processing the data of minors under 16 years.
- (d) An **accompanying right to restriction**, according to which, if exercised, data may only be stored, exists in special cases and only for a limited time, namely e.g. if the correctness of the data is denied by you, during our examination of the correctness of the data, or if we no longer need the data for our purposes, but you need it, for example, to enforce legal claims, or if you make an objection to the processing and it is examined whether our legitimate reasons prevail over yours during the time of this review. Restriction means that the marked data may only be stored from this point in time onwards and, beyond which, may only be processed with the consent of the person concerned or for the establishment, exercise or defence of legal claims or to defend the rights of another natural or legal person or for reasons of important public interest of the European Union or a member state.
- (e) In addition, you have a fundamental right to **object** to data processing at any time. However, this only applies if the processing is based on the legitimate interests of MSF. Please note, however, that legitimate interests as the legal basis for processing operations may only be used in individual cases.
- (f) You may also exercise your **right to lodge a complaint**: If you believe that we violate applicable data protection laws when processing your data, you have the right to lodge a complaint with the Austrian Data Protection Authority. The requirements for such a complaint are based on Sec. 24 et seq. of the Data Protection Act. However, we ask you to contact us in advance in order to clarify any questions or problems.

Please note that we may be unable to comply with your request due to compelling, legitimate reasons for the processing (balance of interests) or processing due to the establishment, exercise or defence of legal claims (on our part). The same applies in the case of excessive applications, although a fee may be charged in such cases as well as to comply with unjustified enquiries.