



## **Information on data processing in the procedures for the Internal Investigation of cases of misconduct in the Max Planck Society pursuant to Art. 13 GDPR / Art. 14 GDPR**

In the sections below, we inform you about how your personal data are processed in the context of handling by the central reporting point for cases of misconduct of the Max Planck Society (MPG) and the performance of Internal Investigations.

This information provides more detailed explanations of the scope and nature of the data processed during Internal Investigations (in the system for reporting cases of misconduct).

### **1. Reason for and purpose of data processing**

Within the framework of the MPG's reporting point for allegations of misconduct and the performance of Internal Investigations, we process your data in accordance with the applicable laws, particularly for the following specific investigation purposes:

**Initial assessment upon receiving reports:** Upon the receipt of a report, we will first conduct a preliminary procedure to assess whether the information provided by a reporting person allows the MPG to determine if the report is cogent and indicative of a violation of the rules by an employee or a member of the MPG.

The processing of your data serves, among other things, this initial assessment.

**Investigation into alleged misconduct:** This initial assessment may be followed by a decentralized or centralized investigation. Within this framework, "measures to investigate a case of misconduct" (investigative measures) may serve to uncover and investigate conduct that is contrary to law, contract or rules and affects the MPG and/or its employees in their professional relationships (e.g. possible breaches of duty under the employment contract or criminal offences committed by employees of the MPG in the performance of their official duties), as well as other breaches of rules and irregularities within the MPG.

**Prevention of future misconduct:** The results of the investigative measures can – insofar as they are suitable for this purpose – also be incorporated into general, preventive measures to avoid misconduct and thus contribute to preventing or discouraging future breaches of duty or criminal offences by MPG employees under the terms of the employment contract.

**Exercise of rights:** Investigative measures may also serve to compensate for and avert imminent damage or disadvantages to the MPG and thus to defend, exercise and enforce rights effectively. For instance, the results and information obtained through investigative measures can be used in the context of labour court proceedings or other legal disputes, if necessary.

**Discharge of employees:** In cases where the suspicion of misconduct is not confirmed after the investigation has been completed, the accused person is to be rehabilitated in an appropriate manner at their request.

**Implementation of obligations to cooperate:** Owing to legal obligations to cooperate, the MPG may be obliged, where appropriate, to pass on the data collected in the course of the investigative measures to criminal prosecution authorities or other authorities. This may apply, for example, if a criminal prosecution authority initiates a criminal investigation against an accused person as a result of an investigative measure.



## 2. Data processing categories

If necessary, we will process the following data or categories of data about you in the course of investigative measures:

- **Data related to information reported:** As part of the reporting office procedure, we record, among other things, the point in time, the content and other relevant circumstances relating to the information submitted by reporting persons. If a reporting person discloses their identity as part of the report, we will also record this.
- **Operational information:** We may also process operational information about you as part of investigative measures (e.g. function in the organization, job title, possible superior position, professional email address, professional telephone number).
- **Information about relevant facts and circumstances:** Typical investigative measures frequently relate to specific facts and circumstances. The determination and evaluation of relevant information on the respective facts and circumstances may possibly allow for conclusions to be drawn about your conduct or about actions carried out by you. In individual cases, this may also include breaches of duty or criminal offences.
- **Operationally initiated documents:** If necessary, we will also evaluate operationally initiated documents as part of investigative measures. In individual cases, this may include travel expense reports, time sheets, contracts, performance records, driver's logbooks or invoices. These documents may also contain personal data about you.
- **Personal information:** In the context of investigative measures, we may possibly process general personal information about you (e.g. name, private address, private telephone number, private e-mail address).
- **Private contents:** In individual cases, data records to be analyzed may also allow for conclusions to be drawn about private content concerning you. This may be the case, for example, if a report transmitted by a reporting person contains relevant content. The MPG will take appropriate technical and organizational measures to ensure that data records with purely private content are not evaluated.

## 3. Legal bases of data processing

In the context of investigative measures, the MPG will only process your data to the extent that at least one applicable data protection regulation permits this.

We process your personal data as a reporting person on the basis of the information you have provided voluntarily as well as within the framework of the legal provisions under the Whistleblower Protection Act [Hinweisgeberschutzgesetz], Art. 6, paragraph 1, page 1, lit. a, lit. c of the General Data Protection Act (GDPR) and, in the event that you are employed by us, according to Art. 88 of the GDPR in conjunction with Art. 26, paragraph 2 of the Federal Data Protection Act [Bundesdatenschutzgesetz - BDSG] and the General Works Agreement on Handling Information of Misconduct and the Reporting of It.

If you are an accused person, we process your personal data to the extent necessary to protect the legitimate interests of the MPG or a third party (Art. 6, paragraph 1, lit. f, lit. c of the GDPR and, in the event that you are employed by us, in accordance with Art. 88 of the GDPR in conjunction with Art. 26, paragraph 2 of the Federal Data Protection Act [BDSG]). We have a legitimate interest in processing personal data for the prevention and detection of violations and irregularities reported via the system for reporting cases of misconduct. In



addition, your personal data are processed to the extent necessary for the fulfilment of legal obligations.

#### **4. Data transfer**

Every incoming report is examined in a multi-stage process by a specially authorized group of employees and, if necessary, the facts and circumstances of the case are investigated in more detail. Each employee is obliged to maintain special confidentiality. The MPG will only disclose personal data to other third parties if consent or another legal basis has been given. Conceivable recipients are, for example, criminal prosecution authorities, courts, lawyers and auditors.

In this case, the recipients themselves are data controllers within the meaning of Art. of Art. 4, No. 7 of the GDPR and are obliged to protect personal data.

#### **5. Storage period**

The MPG will store and delete the data collected within the scope of the system for reporting cases of misconduct in accordance with the requirements of data protection law. The data are deleted if they are not required for the purposes of the system for reporting cases of misconduct and no legal retention periods prevent deletion. There are different legal requirements for this. As a rule, the storage period does not exceed three years.

#### **General details**

#### **6. Contact details of the controller**

The controller within the meaning of the General Data Protection Regulation and other national data protection acts as well as other data protection legislation is the

Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V. (MPG)

Hofgartenstrasse 8

D-80539 Munich, Germany

Telephone: +49 (89) 2108-0

Contact form: <https://www.mpg.de/kontakt/anfragen>

Internet: <https://www.mpg.de>

#### **7. Data Protection Officer's contact details**

The controller's data protection officer is the

Data Protection Officer of the MPG

Hofgartenstrasse 8

D-80539 Munich, Germany

Telephone: +49 (89) 2108-1554

[datenschutz@mpg.de](mailto:datenschutz@mpg.de)



## 8. Rights as a reporting person or an accused person or a person involved in the procedure

As an affected reporting person or a person affected by a report or a person involved in the procedure whose personal data are collected in the context of the above-mentioned services, you generally have the following rights unless legal exceptions apply in individual cases:

- Information (Article 15 GDPR)
- Correction (Article 16 GDPR)
- Deletion (Article 17 (1) GDPR)
- Restriction of processing (Article 18 GDPR)
- Data transmission (Article 20 GDPR)
- Revocation of processing (Article 21 GDPR)
- Revocation of consent (Article 7 (3) GDPR)
- Right to complain to the regulator (Article 77 GDPR). For the MPG, this is the Bavarian Data Protection Authority [*Bayerisches Landesamt für Datenschutzaufsicht*], Postfach 1349, 91504 Ansbach, Germany.

It is expressly pointed out that the MPG may be legally obliged under Art. 14, paragraph 3, lit. a of the GDPR to inform the person affected by a report within one month, including about the identity of the reporting person and the data processing carried out as a result.

In this case, it would no longer be possible to revoke consent. Likewise, the deadline for revoking consent may be shortened if and to the extent that the reported information requires the immediate involvement of an authority.

The data necessary for identification would then be part of the respective procedural files.