

Data Protection Information for the Use of the Reporting and Complaints Office¹

(Last updated: 06.11.2024)

In August 2020, HTW Berlin published its Anti-Discrimination Directive with the goal of creating a safe, non-discriminatory and non-violent place to learn, teach and work, characterised by a climate of acceptance and trust as well as a fair, respectful and appreciative organisational culture whose members are in solidarity with one another.

In order to promote individual development opportunities and cohesion, HTW Berlin has committed itself to expanding the existing advisory services and setting up a reporting and complaints procedure for any form of discrimination prohibited by law as part of the Anti-Discrimination Directive.

Under data protection law, we are responsible for the processing of your personal data when you use the Reporting and Complaints Office. As a result, information regarding the manner and purposes of processing your personal data when using the Reporting and Complaints Office follows below.

In the event of any questions or comments, please do not hesitate to contact the Central Anti-Discrimination Office in the Central Equality & Anti-Discrimination Department.

I. Name and address of the responsible authority

The responsible authority within the meaning of the General Data Protection Regulation and other national data protection laws of the member states as well as other data protection regulations is:

Hochschule für Technik und Wirtschaft Berlin (Berlin University of Applied Sciences),
represented by the President

Treskowallee 8

10318 Berlin

Email: praesidentin@htw-berlin.de

Website: www.htw-berlin.de

II. Name and address of the Data Protection Officer

¹ In accordance with the Anti-Discrimination Directive and the Safety Concept for the Prevention and Handling of Sexualised Discrimination and Violence at HTW Berlin as well as the German General Equal Treatment Act, the Berlin State Anti-Discrimination Act and the Berlin Higher Education Act.

Our Data Protection Officer is available at any time to answer any questions you may have and to act as your contact person on the subject of data protection. The contact details are as follows:

Address: To the Data Protection Officer of HTW Berlin,

Treskowallee 8, 10318 Berlin

Tel.: 030 5019- 2950

Email: datenschutz@htw-berlin.de

III. Data processing when using our Reporting and Complaints Office

1. Type and scope of the processing of personal data, recipients

The Reporting and Complaints Office will only take action if you, or a person authorised by you to do so, submits a report or complaint in person. All discussions that take place prior to the initial and referral-related advisory sessions serve to support and inform the person seeking advice.

A report or complaint can be made via the digital form, by email to antidiskriminierung@htw-berlin.de, by telephone, verbally or after expressly requesting that it be passed on by the initial and referral counsellors.

If you submit a report or complaint via the digital form, the following data entered by you in the input mask will be transmitted to the Reporting and Complaints Office and processed by the same:

- Which group do you belong to? * (e.g. 'I'm studying at HTW Berlin.')
- How have you been affected? * (e.g. 'I am a victim' or 'I am a witness.')
- Please describe the incident in as much detail as possible. (What happened? When and where? Who was involved?)* (e.g. names of persons who are the subject of the complaint/report or other persons mentioned in the complaint/report, factual information, urgency)*
- How would you spontaneously categorise this type of discrimination? (optional) (e.g. racial discrimination, sexualised discrimination and violence)
- Please contact me. / How should we get in touch with you?
 - Surname (optional)
 - First name (optional)
 - Email address*

The fields marked with an asterisk are mandatory. The email address is only a mandatory field if you wish to be contacted by us. The report can be made anonymously. No advisory services or the logging of a formal complaint is possible without providing an email address. The form will be sent to the Reporting and Complaints Office.

At the time the reporting or complaints form is sent, log data is also collected, e.g. the user's IP address, the date and time the form was sent and the website from which the user's system accessed our website. The personal data processed during the sending process is used exclusively to prevent misuse of our reporting and complaints form and to ensure the security of our information technology systems.

The processing of personal data from the reporting and complaints form and other information that you provide to the Reporting and Complaints Office as part of your report or complaint is used solely and exclusively to process your report or complaint.

Your report or complaint will be processed in confidence by a trust team of three individuals. This trust team is put together on a case-by-case basis. The members of the trust team are appointed to this function by the University Board, have the relevant skills and experiences and work voluntarily in the trust team. The Reporting and Complaints Office was appointed by the University Board as a reporting office in accordance with the German General Equal Treatment Act (AGG) and the Berlin State Anti-Discrimination Act (LADG) and is involved in every case-related intervention.

The Reporting and Complaints Office documents your report or complaint as well as the procedural steps taken and their results during the course of case handling. The following personal data is regularly documented, but only to the extent that is absolutely necessary for processing the report or complaint (documentation form report/complaint):

- Documentation form created by [surname, first name]
- Documentation form created on [DD.MM.YYYY]
- Date of initial contact / receipt of report/complaint [DD.MM.YYYY]
- Surname, first name of the person responsible
- Members of the trust team involved

- If applicable, surname(s), first name(s) of the individual affected, if the report/complaint is not anonymous
- Member group
- Faculty / degree programme
- For employees: organisational unit and supervisor

- Surname(s), first name(s) of the person under suspicion
- Member group
- Faculty / degree programme
- For employees: organisational unit and supervisor
- Legal basis: Report according to HTW Berlin's Anti-Discrimination Directive / complaint according to the German General Equal Treatment Act (AGG) / complaint according to the Berlin State Anti-Discrimination Act (LADG)
- Relevant grounds for discrimination
- Form of discrimination (e.g. indirect discrimination; direct discrimination)
- Case description/ clarification of the facts: What happened? Are there any witnesses, evidence or proof? Persons and bodies involved, previous and further steps taken by the University, agreements, results, recommended or initiated measures or interventions, conclusion and evaluation
- Statement by the person under suspicion

If the trust team deems an awareness-raising or confrontational meeting with the person under suspicion necessary, it will obtain the express consent of the person affected. A confirmation by email is sufficient; a signature is not required. The person affected is also informed of any other interventions. If necessary, the Reporting and Complaints Office will explain to the person affected in advance the possibilities and limits of preserving their anonymity vis-à-vis the person under suspicion.

In the event that the Reporting and Complaints Office is obliged to process special categories of personal data, e.g. health data, as part of case handling, this will only be done with the express consent of the person concerned.

Under the coordination and direction of the Reporting and Complaints Office, the trust team collates the facts of the case. To this end, it may involve responsible persons from the respective affected areas, particularly in the event that immediate measures are necessary to prevent discrimination. It may also interview other persons as witnesses and draw on the knowledge of (external) experts. In order to maintain the confidentiality of the persons concerned, the number of persons involved is kept as small as possible ("need to know" principle). Personal data will only be disclosed to the aforementioned bodies/persons if this is absolutely necessary for case handling. The responsible trust team gives the person under suspicion the opportunity to comment on the report or complaint and, depending on

the circumstances of the individual case, conducts a personal interview with them. Statements made by the person under suspicion are documented.

On this basis, the relevant trust team examines the facts of the case and carries out the intervention. The measures are implemented by the persons formally authorised to do so, e.g. the Central Anti-Discrimination Office, HR management or the Chancellor. Rehabilitation measures for people under suspicion are required if the report or complaint proves to be unfounded.

At the end of the procedure, the person affected and the person under suspicion are informed of the results.

Personal data will only be passed on to external third parties if this is required by law and if it is permissible. These may include, for example, law enforcement authorities in criminal proceedings, competent authorities in administrative proceedings following the report/complaint, including administrative fine-related proceedings, or courts based on court decisions.

2. Purpose of data processing

The purpose of the reporting and complaints procedure is to create a safe, non-discriminatory and non-violent place to learn, teach and work, characterised by a climate of acceptance, trust and a fair, supportive, respectful and appreciative organisational culture through the processing of incidents for those affected and people under suspicion.

The processing of your personal data transmitted in the context of the use of the Reporting and Complaints Office aids the latter in the fulfilment of the tasks incumbent upon it by law and as a result of the Anti-Discrimination Directive, i.e. to carry out the reporting and complaints procedure in accordance with the Anti-Discrimination Directive and the Safety Concept for the Prevention and Handling of Sexualised Discrimination and Violence at HTW Berlin as well as the German General Equal Treatment Act, the Berlin State Anti-Discrimination Act and the Berlin Higher Education Act.

3. Legal basis for data processing

The legal basis for the processing of personal data constitutes the fulfilment of legal obligations in accordance with Section 13 of the German General Equal Treatment Act (AGG) in conjunction with Art. 6 para. 1 lit. e) GDPR and the fulfilment of public duties according to Section 5b para. 3 of the Berlin Higher Education Act (BerlHG), Sections 12 and 13 of the German General Equal Treatment Act (AGG) and Section 11 para. 2 of the Berlin State Anti-Discrimination Act (LADG) in conjunction with the Anti-Discrimination Directive of HTW Berlin dated 19 October 2020 as well as Art. 6 para. 1 lit. e) GDPR. In addition, a legal basis for the

processing of personal data arises from the University's duty of care towards its members in accordance with Art. 6 para. 1 lit. b) GDPR.

In addition, Art. 6 para. 1 lit. f) GDPR serves as the legal basis with regard to the interest in a non-discriminatory university environment.

Insofar and to the extent that you also give your consent to the Reporting and Complaints Office, the legal basis for data processing also constitutes your consent in accordance with Art. 6 para. 1 lit. a) and 9 para. 2 lit. a) GDPR.

4. Duration of data processing

The personal data collected as part of the reporting and complaints procedure will be processed by the Reporting and Complaints Office for the duration of the processing of the report or complaint, including the implementation of any necessary follow-up measures. The data will be deleted as soon as the purpose of storage ceases to apply and insofar as the University is not authorised and/or obliged to store the data for longer for legal reasons.

For the assertion, exercise or defence of legal claims, the documentation of the case handling is stored for a period of three years and then deleted, unless the University is obliged or entitled to retain it for a longer period in individual cases.

IV. Rights of the persons affected

You have the following rights vis-à-vis the University with regard to the processing of your personal data:

- ▶ Right of access by the data subject, Art. 15 GDPR

The University is obliged to disclose to you whether, which, for what purpose and for how long your personal data is processed.

- ▶ Right to rectification or erasure, Art. 16 and 17 GDPR

You can request the correction of incorrect or incomplete personal data processed by us. You can also request the deletion of your personal data if there are certain reasons, e.g. if the data is no longer required for the original purpose.

- ▶ Right to restriction of processing, Art. 18 GDPR

Under certain circumstances, you may request the restriction of the processing of your personal data, in particular if the accuracy of the data is disputed or the processing is unlawful.

- ▶ Right to data portability, Art. 20 GDPR

You have the right to receive your personal data in a structured, machine-readable format and to transmit it to another controller if you have provided the data

to the University and it processes your data on the basis of your consent or a contract.

► Right to object to the processing, Art. 21 GDPR

You can object to the processing of your personal data for specific reasons at any time, this on the basis of Art. 6 para. 1 subpara. 1 letter e or f GDPR. The University will then no longer process your data unless there are compelling legitimate grounds for processing that outweigh your interests, rights and freedoms.

► Right to withdraw consent, Art. 7 para. 3 GDPR

You can withdraw your data protection consent at any time without affecting the lawfulness of the processing carried out before the withdrawal.

► Right to lodge a complaint with a supervisory authority, Art. 77 GDPR

You may lodge a complaint with the data protection supervisory authority if you believe that the processing of your personal data violates the General Data Protection Regulation.

You can contact the responsible parties at any time using the contact details provided in Section I if you have any further questions about the protection of your personal data.