

CHECKLIST PRIVACY POLICY ACCORDING TO THE GDPR

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A privacy policy in compliance with the GDPR must contain the following information:

- the contact details of the Controller (at least address and e-mail address);
- the contact details of the Data Protection Officer, if one has to be appointed (at least e-mail address);
- the contact details of the EU Representative, if one has to be appointed (at least e-mail address);
- for data collected from the data subject (e.g. when filing online forms) the information, as to whether the provision by the data subject is necessary or obligatory and what consequences the failure to provide the data would have;

"You are free to provide the information on this online form. You may refrain from doing so; however, we will not be able to process your request in this case."

- for data not directly collected from the data subject (e.g. automatic data collection when visiting a website, cookies, other tracking tools):
 - the categories of personal data regarding each collection/ processing of the data (e.g. IP-address) and
 - if available: the source from which the personal data originates and whether it is a publicly accessible source (e.g. your web browser transmits the data to us when you visit our website).
- the purpose of processing for each individual data collection or data processing;

It may be helpful to ask the respective business department processing the data to describe the processes that are supported by the data processing.

- the legal basis for each individual data processing and, depending on this, any further information:
 - where consent is used as the legal basis, the existence of the right to revoke consent at any time and the indication that the legality of processing based on the consent until withdrawal is not affected by the withdrawal of consent;
 - where legitimate interest is used as the legal basis, the description of such interest (this often corresponds with the purpose of processing);
- the recipients or the categories of recipients of the personal data which is disclosed to third parties (Controllers as well as Processors);
- when transferring personal data to Controllers or Processors in third countries:
 - whether there is an Adequacy decision by the European Commission for the relevant third country; or
 - references to the safeguards taken to lawfully transfer such data and how a copy of the safeguards taken may be obtained;
- the storage period and where this cannot be determined, the criteria to determine the storage period;

"Until the expiry of the statutory limitation period"

- the data subjects rights to
 - information;
 - rectification;
 - erasure;
 - restriction of processing;
 - object;
 - data portability;
 - bring a complaint with the relevant data protection authority.
- when using automated decision making and profiling, which has a legal effect on the data subjects or significantly impairs them in a similar manner:
 - the fact that such processing takes place;
 - information on the decision-making logic involved; and
 - the scope and intended effects of the decision.
- date of the Privacy Policy.

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