

Consent for the use of personal photos and/or film recordings in accordance with the GDPR

Declaration of consent for the production and publication of photos/film recordings for the purpose of the external promotion of the HWR Berlin.

As part of the BPS graduation ceremony on 27 November 2021, we, the Berlin Professional School (BPS) of the HWR Berlin, would like to produce and publish photos of individuals and/or film recordings for the purpose of the external promotion of our university.

By giving your consent, you allow us to take and publish photos and/or film recordings of you for the purpose of reportings, as well as for the external promotion of the BPS and the university. External promotion shall include, in particular, providing a general representation of the BPS and its degree programmes as well as publications for promoting and providing an illustration of our events.

I agree to the following publications (purposes) (please tick as appropriate):

- on our accounts on social networks (Facebook, Instagram, Twitter, LinkedIn, Xing, Youtube). In doing this, the data is transferred to the USA. The consent given here is also specifically considered as consent to such a transfer, pursuant to Art. 49 GDPR.
- on our websites: www.berlin-professional-school.de and www.hwr-berlin.de
- in our official print media such as flyers, as well as promotional and informational brochures
- passing on the photos/film recordings to the university's internal press office for the purpose of public relations work
- passing on the photos/film footage to cooperation partners (e.g. DAAD, partner universities) for non-commercial use in their print and online media (including social media channels)
- streaming via the video conferencing tool of the German Research Network for family and friends of the graduate.

Information on data protection

Information that is on the Internet can be accessed around the world, found using search engines and linked to other information. This may allow personality profiles to be created about me. I am aware that information that is put on the Internet, including photos, can be copied and redistributed and that there are specialised archiving services whose aim it is to permanently document the state of certain Internet pages. This may mean that information published on the Internet can still be found on the original page even after it has been deleted. (Print) publications that are published and issued at a certain point in time often cannot be erased or altered afterwards.

Social networks (social media sites) "multiply" content without the HWR having any influence on the number of acts of dissemination by other users. It is possible that, by commenting on and then sharing the original post, the people shown will be the subject of unfavourable comments.

When posting on certain social media channels (e.g. Facebook), it cannot be ensured that it will be possible to completely erase the photos/film recordings. The servers processing the data are often located in other countries outside the EU. Different, often lower-quality data protection regulations apply there than prevail in the EU. Due to the fact the EU-US Privacy Shield has been declared invalid by the ECJ, there is currently no valid EU adequacy decision to provide for a secure level of data protection in the recipient country, the USA. In addition, there are no appropriate safeguards for the transfer of data pursuant to Art. 46 GDPR. This poses considerable risks, in particular, the risk that US authorities will be able to access the data (US Cloud Act).

Your right of withdrawal

I am aware that I can withdraw this declaration of consent at any time with effect for the future. Consent is given on a voluntary basis. There is no legal or any other obligation to give consent. The withdrawal will result in photos that have been published being removed from the website and prevent the publication of any further photos. Images on the BPS and HWR Berlin website will be deleted without delay, but this may, in exceptional cases take up to 28 working days after the receipt of my withdrawal. In the case of printed materials, your withdrawal means that we will no longer publish photographs of you in new editions of the products that have already been printed.

Surname, first name:

Email:

Place, date Signature

Privacy policy pursuant to the GDPR

Name and address of the Data Protection Officer

Data Protection Officer: Vitali Dick (HiSolutions)
HWR Berlin
Badensche Str. 50/51
10825 Berlin

The HWR Berlin will be happy to answer your questions about data protection. Send an e-mail to: [bps-marketing\(at\)hwr-berlin.de](mailto:bps-marketing(at)hwr-berlin.de)

Personal data processed

- Photographs
- Film recordings

Purposes of processing

The publication of photographs and film recordings

- on our accounts on social networks (Facebook, Instagram, Twitter, LinkedIn, Xing, Youtube). In doing this, the data is transferred to the USA. The consent given here is also expressly considered as consent to such a transfer, pursuant to Art. 49 GDPR.
- on our websites: www.berlin-professional-school.de and www.hwr-berlin.de
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Legal basis for data processing

The legal basis for the processing is the consent to data processing pursuant to Art. 6(1)(a) GDPR. There is neither a contractual nor a legal obligation to provide the data. Consent is voluntary. The lawfulness of the processing based on the consent shall remain unaffected until the point at which consent is withdrawn.

Insofar as the use in the social media channels has been consented to, the consent shall also expressly apply to data transfers to the USA pursuant to Art 49(1)(a) GDPR. Extensive information about the risks this involves has been provided in the consent form.

The legal basis for the video stream using the German Research Network video conferencing system is section 6(1)(1)(f) of the Berlin Higher Education Act (BerlHG).

Data storage and time limits for deletion

- a) As a general rule, the data is deleted once consent has been withdrawn. If the data is not published or used, it will be erased after 10 years.

- b) Erasure from print media will no longer be possible after the publication has been issued. Before going to press, the media in relation to the data that is subject to the withdrawal of consent would be amended.
- c) The personal data (photos or videos) will be deleted from the official social media channels of the BPS and HWR Berlin (such as Facebook, Instagram, Twitter, LinkedIn, Xing, Youtube) once the consent has been withdrawn. It is not possible to erase posts that have been shared by other users of the platform.
- d) No personal data is stored during video streaming. Deletion takes place immediately after the streaming has taken place. However, server log data can be processed by the German Research Network. You can find more details in the [DFN Privacy Policy](#).

Scope of the processing of personal data

As a matter of principle, we only process the personal data of our users insofar as this is necessary.

Recipients or categories of recipients of the personal data

The above personal data will be transferred to third parties outside the university (external recipients) if consent has been given to this. Accordingly, this relates to the providers of the official social media channels. Within the university (internal recipients), the data may be processed by the BPS team and the university communications team, by the IT department and, provided that consent has been given, also by the press office.

Transfer of data to a third country or an international organisation

The transfer of the above personal data to third countries outside the EU mainly applies to the USA (social media of the BPS and HWR). However, transfers to other third countries may also occur due to the fact that social media providers subcontract the processing of personal data. Following the discontinuation of the EU-US Privacy Shield, there is no EU adequacy decision for data transfers to the USA and no appropriate safeguards for providing an adequate level of data protection.

Commissioning external photographers/commissioned processing

The images captured may be produced and edited by an external photographer. For this purpose, the BPS and HWR use selected contractors with whom a contract for commissioned processing has been agreed.

Automated decisions in individual cases, including profiling

Automated decisions are not made in individual cases.

Rights of the data subject

The data subject has rights pursuant to Art. 13-23 DSGVO, which can be asserted against the BPS and HWR Berlin. Below is an overview of the most important rights:

Right of access to data stored by the data controller (HWR Berlin) pursuant to Art. 15 GDPR

- Right to rectification of data stored by the data controller pursuant to Art. 16 GDPR
- Right to erasure of data stored by the data controller pursuant to Art. 17 GDPR
- Right to restriction of processing in relation to data stored by the data controller, notification obligation regarding rectification or erasure of personal data or the restriction of processing pursuant to Art. 19 DSGVO
- Right to data portability pursuant to Art. 20 GDPR
- Right to object to data processing if the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority pursuant to Art. 6 (1)(e) GDPR or the processing pursuant to Art. 6(1)(f) GDPR is necessary for the purposes of the legitimate interests of the controller or a third party pursuant to Art. 21 GDPR.
- The right of the data subject not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.
- Right of the data subject to communication of a personal data breach pursuant to Art. 34 GDPR.

Right of providing information and right to lodge a complaint

You can request confirmation from the BPS and HWR Berlin as to whether personal data concerning you is being processed by us. For this purpose, please send an email to [bps-marketing\(at\)hwr-berlin.de](mailto:bps-marketing(at)hwr-berlin.de)

The data subject also has the right to lodge a complaint with a supervisory authority about the HWR Berlin. The competent supervisory authority in the state of Berlin is

Berliner Beauftragte für Datenschutz und Informationsfreiheit (Berlin Commissioner for Data Protection and Freedom of Information)

Friedrichstr. 219

10969 Berlin

mailbox@datenschutz-berlin.de