



## Information from the Jobcenter Ennepe-Ruhr-Kreis (JC EN) on the protection of your data

Implementation of the data protection regulations of Article 12 to 14 EU data protection regulation (GDPR) in connection with §§ 82 ff of Social Security Code X (SGB X).

The Ennepe-Ruhr-Kreis is, in accordance with § 6a of the Social Security Code II (SGB II) an authorised municipal authority which has transferred the tasks in connection with the execution of the SGB II - basic benefits for job seekers - to the municipal Jobcenter Ennepe-Ruhr-Kreis.

In the following you will be informed of the collection and processing of your personal data in connection with the provision of benefits in accordance with the SGB II.

### Name and contact details for the person responsible:

Landrat des Ennepe-Ruhr-Kreises  
Hauptstraße 92, 58332 Schwelm  
Telephone: 02336 93-0,  
Email: [verwaltung@en-kreis.de](mailto:verwaltung@en-kreis.de)

### Contact information of the official data protection officer

Ennepe-Ruhr-Kreis  
Data protection officer  
Hauptstraße 92, 58332 Schwelm  
Telephone: 02336 932329  
Email: [datenschutz@en-kreis.de](mailto:datenschutz@en-kreis.de)

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## I. Purpose and legal basis for data processing

### Purpose of the processing

The JC EN processes the data for the legal completion of its duties in accordance with the provisions of the SGB II and other Social Security Codes. If the legal prerequisites for the provision of financial benefits, benefits in kind and service benefits exist, then these benefits will be provided by the Jobcenter. These services include, in particular, benefits to ensure the subsistence, to end or reduce the need for assistance, for counselling, for integration, other benefits for starting work or a training, for vocational activation or further education or also integration services such as debt counselling, addiction counselling, psychosocial care.

Furthermore the personal data is also processed for the execution of reimbursement claims from other sponsors or offices, such as, for example for the purpose of the labour market, vocational or effect research, for statistical purposes or for the execution of the automatic data reconciliation or for combatting abuse of benefits (§ 51 b SGB II).

Personal data may be processed for the purpose for which it was collected. If there is a change to the purpose, not covered by Art. 6 para. 4 GDPR, the person affected must be informed beforehand. A change of purpose does not exist if it serves the purpose of carrying out the supervisory and control duties, checking invoices or the execution of organisational audits of the agency responsible.

### Legal basis for data processing

The data processing by the JC EN is based in particular on Art. 6 Abs. 1 c) GDPR in conjunction with §§ 67 ff. SGB X, the first social security code (SGB I) the second social security code (SGB II), the third social security code (SGB III) and on specific legal regulations.

Furthermore pursuant to Article 6 para. 1 a) GDPR a data processing is only permissible if the person affected has given his/her consent.



## II. Categories of personal data

### Master/ basic/ contact data

These are, for example, the customer number, the number of the community of need, the reference number, name, forename, date of birth, place of birth, address, telephone number and email address (as voluntary information), the family status, the nationality, residence status, pension/ social insurance numbers, bank details, the tax identification number.

### Data for awarding benefits

For assessing a benefit claim, the duration of the benefit, the amount of the benefit and the type of benefit, following data is, for example, processed:

Income statements, asset statements, benefits from other agencies (duration, amount of the benefit, type of benefit), evidence of the requirements for accommodation and heating, evidence of the requirements for education and participation, validity of the residence permit, data on maintenance claims/claims for damages, data on health/ pension/ statutory care insurances, data on duration and ending of employment relationships, data on enforcement proceedings, data on proceedings according to the infringement law.

### Data for counselling and placement/integration in training and work

This is for example: CV, proof of qualifications, certificates, details on knowledge and skills, driving license, qualification (academic and professional), performance capability, motivation, framework conditions, report from the medical services, data on the basis of the commissioning of third parties (e.g. sponsors for measures, counselling agencies), documentation of contacts, documentation of decisions e.g. in the form of counselling and placement comments, data on employment offers, job applications (if not anonymised) and, if applicable, feedback from employers.

### Health data

This is, for example, data for care in the rehabilitation sector, medical statements and reports (e.g. from the medical office -- or psychiatric service of the Ennepe-Ruhr district, health insurance medical office, employers' liability insurance associations, employment agency), data for assigning the Deutsche Rentenversicherung (German pension office) to assess the ability to work, data on severe handicaps, data on the duration of unemployment.

### Research/statistics data

This is, for example, residence status, reasons for migration, parallel payment of unemployment benefit I (Aufstocker (incremental increases))



### III. Recipients, or categories of recipients

The data mentioned under I. can, on the basis of the legal regulations (or if you have given your express consent) be transmitted to third parties by the JC EN for the fulfilment of the legal duties.

Third parties are, for example:

Social benefits sponsors, such as, e.g. Deutsche Rentenversicherung or health insurances, employers, training centres, measures/education sponsors, physicians on contract, tax offices, customs authorities, law enforcement authorities and national security authorities (e.g. police, public prosecutor's office, Federal Office for the Protection of the Constitution) courts.

Furthermore there can also be other third parties, for example, youth welfare office, social services office, vehicle registration office, district treasury, district finance department, ministry for labour, health and welfare of the federal state of North Rhine-Westphalia, central federal office for taxes, federal audit office, federal ministry for migration and refugees, contract processors (e.g. IT service providers), lessors (if he is, based on the legal situation, or your consent, paid directly), utility companies (if they are, based on the legal situation, or your consent, paid directly), debt counselling (only with the consent of the person affected), addiction counselling (only with the consent of the person affected), psychosocial care (only with the consent of the person affected), schools (only with the consent of the person affected), external research institutes (only for research projects that have been approved by the Federal Ministry for Labour and Social Affairs).

### IV. Data processing/duration of storage of personal data

The personal data is mainly processed mechanically for the calculation of entitled benefits and as a basis for the benefits for the integration in the labour market. When doing so the Ennepe-Ruhr-Kreis district authority uses technical and organisational security measures to protect the personal data against unintentional or unauthorised destruction, loss or change as well as against unauthorised disclosure or access. The safety standards are always in line with the latest technological developments.

For data for the avilment of services, financial or benefits in kind in accordance with the SGB II there is a storage period of 10 years after closure of the case. In this context a case is closed if the need for assistance no longer exists or, if for any other reason, an entitlement to benefits no longer exists, unless other special promotional benefits are paid or legal disputes have not yet been settled. The period of 10 years is based on the legal possibility of demanding the reimbursement of benefits, if, during this period, it becomes known that benefits were unjustly granted.

If a demand by the European Social Fund occurs, the data is stored for 13 years after the closure of the case, because this serves the reporting vis à vis the EU and is based on EU regulations ((Art, 140 Directive (EU) No. 1303/2013))

If a demand from JC EN (reclaim/reimbursement/loan) is still open, the data is then, in accordance with code of civil procedure and the civil code, stored for 30 years, because only then do the entitlements expire. The calculation if the period takes place depending on the attempt at enforcement .



## V. Rights of data subjects

Your rights result in particular from § 83 SGB X in connection with Art. 15-18, 21 GDPR:

### Right to information

Pursuant to Art. 15 GDPR, you have, upon request, the right of information concerning the data saved with respect to your person. If you make use of this right, it is useful if, in your request for information, you specify in more detail the data on which you would like to have more information.

### Right to correction/completion

The personal data processed in the Jobcenter EN are, pursuant to Article 16 GDPR, immediately corrected or completed if these are proven to be incorrect or were not collected completely.

### Right of deletion

If it can be proved that personal data was unjustly processed, you can demand the deletion pursuant to the conditions of Article 17 GDPR. The deletion will be initiated by JC EN, if the data is no longer required for the fulfilment of our legal duties, whereby storage periods, reporting periods and reimbursement periods are taken into consideration.

### Right to restriction of processing

If data is no longer required for the administrative process, you have, in accordance with the requirements of Article 18 GDPR, the right to request a limitation of data processing of the associated data..

### Right to object to the processing of your data,

In accordance with Article 21 GDPR you have the right, for reasons arising from your specific situation, at any time, to object to the processing of your personal data.

### Revocation of permission

If data is processed as a result of your consent, you can, at any time, revoke the consent, without giving any reasons, effective for the future. All processing performed up to the revocation is not affected (Article 7 GDPR).

### Right of Appeal

If you are of the opinion that the JC EN has, during the processing of your personal data, violated the data protection regulations or has not observed data security regulations while processing your personal data and you are of the opinion that your rights have been infringed upon, you can contact the responsible person named on page 1 respectively the official data protection officer.

Furthermore you have the possibility of submitting a complaint to the State Commissioner for Data Protection and Freedom of Information North Rhine-Westphalia (NRW),



Kavalleriestraße 2-4, 40213 Düsseldorf, Telephone 0211 384 240, Telefax 0211 38424-10, Email: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de), [www.ldi.nrw.de](http://www.ldi.nrw.de)

This is also the responsible supervisory body for data protection in NRW.

## **VI. Cooperation and information obligations - consequences of a lack of cooperation**

The information on your personal data is required for the fulfilment of the duties mentioned under I. If the personal data required is not provided, your entitlements can possibly not be correctly determined.

The cooperation obligations also apply within the scope of the placement services.

Anybody applying for, or receiving, benefits in accordance with SGB II must state all facts that are of significance for the benefits, and, upon request by the benefit sponsor, agree to the provision of the information by third parties. Any changes in the circumstances that are of significance for the benefit, or were submitted in the declaration in connection with the benefit, must be reported immediately. Evidence must be described and, upon request from the responsible benefit sponsor, the evidence must be submitted or the submission agreed to.

If, within the scope of the application or the payment of benefits pursuant to the §§ 60 ff. SGB I you do not fulfil your cooperation obligations and, as a result, impede the clarification of the matter considerably, the JC EN may refuse or withdraw the benefit in whole or in part without further investigation until the cooperation is restored, insofar as the conditions of the benefit are not proven. This shall apply accordingly if the applicant or beneficiary intentionally makes the clarification of the facts considerably more difficult in other ways.

Social benefits may be refused or withdrawn, due to a lack of cooperation, if the person entitled to benefits has been made aware in writing of this consequence, and he/she does not comply with his/her obligation to cooperation within a reasonable period of time that was granted to him/her.

## **VII. Automated decision making**

Pursuant to Art. 22 GDPR you have the right not to be subjected to a decision based solely on automated processing that will have a legal effect on you or similarly impact upon you in a considerable manner.

To enable a tailor-made placement the education and the job requirements are automatically compared with the applicant's competencies in the JC EN (so-called matching).

The placement processes link directly to the matching (matching, creating pairs from applicants' profiles and job offers) and end with the output of job proposal for the applicant. The final decision whether the job proposal will be used, and then sent to the applicant, is made by the integration specialist.



Following information and criteria, relevant to the placement, are taken into consideration: among others, working hours, job location, professions, training locations, starting date, knowledge and skills, language skills, handicap (with consent), driving licenses, vehicles (mobility), highest academic qualification, willingness to travel and install, weekly hours, professional experience, sector.

Other processes for automatic decision making are not used by the JC EN.

The staff at Jobcenter have divers aids for working and calculating; the final decision is always made by the person authorised.

## **VIII. Publicly accessible data sources**

The JC EN can, in compliance with the legal requirements, also collect personal data from other public and private agencies or persons. These can be, for example, other benefits providers, training companies, employers, measure/training providers, national central register of foreign nationals etc. Furthermore personal data can also be obtained from public sources, such as, for example, register of residents, companies' register, land registry, internet, etc..

### **Note:**

For reasons of better legibility, the simultaneous use of male and female language forms was waived. The terms used throughout to denote persons refer to both men and women. We would like to thank all readers for their understanding.