

Information about the processing of personal data pursuant to Article 13 GDPR

The Agency for Municipal Data Processing in Bavaria (Anstalt für kommunale Datenverarbeitung in Bayern - AKDB) provides online services for immigration authorities on behalf of the Ministry of the Interior and Municipal Affairs of the State of Brandenburg. The Landkreis Helmstedt processes your data that is collected in connection with the online application for services provided by the Immigration Office in accordance with the Residence Act and the Freedom of Movement Act/EU. This data protection information informs you about the processing of your data pursuant to Article 13 GDPR.

1. Name and contact details of the Data Controller

The following authority is the Controller responsible for processing your data:

Landkreis Helmstedt
Herr Landrat Gerhard Radeck
Südertor 6
38350 Helmstedt
Tel.: +49 5351 121-0
Fax: +49 5351 121-1600
E-Mail: kreisverwaltung@landkreis-helmstedt.de
Internet: <https://www.landkreis-helmstedt.de/>

The Immigration Office will provide you with information on the processing of your data and your rights in connection with the processing of this data, and is responsible if you wish to assert these rights.

The Data Protection Officer can be contacted at:

Ansprechpartner zu Fragen des Datenschutzes (Datenschutzbeauftragter):
Behördlicher Datenschutzbeauftragter des Landkreises Helmstedt
Landkreis Helmstedt
Südertor 6
38350 Helmstedt
Tel.: +49 441 9714-159
Fax: +49 441 9714-17159
E-Mail: datenschutzbeauftragter@landkreis-helmstedt.de

2. Purposes and legal bases of processing

a) Purposes of processing:

The purpose of the data processing is to provide user-oriented assistance when entering the data required to apply for services under the Residence Act (AufenthG) or the Freedom of Movement Act/EU (FreizügG/EU) and their transmission to the responsible authority.

The available online services specifically cover the following areas:

- For people from third countries who have entered Germany:
 - issuance or extension of a residence permit for the pursuit of employment,
 - issuance or extension of a residence permit for the purpose of training/education,
 - issuance or extension of a residence permit for family reasons,
 - change of secondary residence regulations,
 - issuance of a permanent residence permit (settlement permit),
- For nationals of the EU or the EEA and their third-country family members:
 - issuance of the permanent residence permit,
 - issuance of the residence or permanent residence card.

In addition, the purposes of data processing are data protection control, data backup and ensuring proper operation of the data processing systems.

The Immigration Office collects your personal data in order to be able to decide on your request within the scope of the tasks assigned to it by law (e.g. for the issuance of a residence permit), as well as for information, certificates, regulatory orders and their enforcement in this context. No use is made of automated decision-making (Article 22 GDPR).

b) Legal bases of the processing:

Your data will be processed on the basis of the following regulations:

- Article 6(1)(c) and (e), (2) and (3) GDPR,
- Section 1(1) OZG (Online Access Act)
- Section 86 AufenthG (Residence Act)
- Section 14 VwVfG (Administrative Procedure Act),
- Chapter 2, Sections 1, 3, 4 and 6 Residence Act,
- Section 81a Residence Act.
- Section 4a(1), (2) and (6) Freedom of Movement Act/EU
- Section 5(1)(1) and (5)(1) and (2) Freedom of Movement Act/EU
- Section 8(1)(3) Freedom of Movement Act/EU,
- Section 11(1) Freedom of Movement Act/EU in conjunction with Section 86 Residence Act,
- Section 12a Freedom of Movement Act/EU,
- Section 6 AZRG (Central Register of Foreign Nationals Act).

Insofar as sensitive data within the meaning of Article 9(1) GDPR is processed, the processing takes place on the basis of Article 9(2)(g) GDPR.

If you are acting on behalf of a person, your data will be processed on the basis of Article 6(1)(a) GDPR.

3. Recipients or categories of recipients of the personal data

Your personal data will be shared with

Agency for Municipal Data Processing in Bavaria (AKDB)
Hansastraße 12-16
80686 Munich, Germany

as the Controller's processor in order to be able to transmit the data to the Immigration.

The Immigration Office will further process your data. Among other things, your data will be stored in a register of foreign nationals and sent to the Federal Office for Migration and Refugees as the competent registration authority for storage in the Central Register of Foreign Nationals (Section 6(1)(1) Central Register of Foreign Nationals Act - AZRG). Your data will also be stored in other registers to which authorities in other member states of the European Union have access (e.g. EURODAC database, visa information system, Schengen information system).

If necessary and permitted by law (e.g. to be able to decide on your residence, prevent the misuse of public funds, assess security concerns, promote your integration), your personal data will be shared with:

- the Federal Office of Administration,
- the Federal Office for Migration and Refugees,
- other immigration authorities,
- the internal department for IT infrastructure and service (in the event of a fault requiring rectification, access to personal data cannot be ruled out),
- the registration authorities,
- the security authorities,
- the social service providers,
- the Jobcenter
- the customs administration,
- the public prosecutor's office,
- other enforcement authorities,
- the Foreign Office,
- authorities of other states.

4. Duration of storage of personal data

Your application data will be temporarily stored in the online service for the duration of the session or, in the event of inactivity, for a maximum of 30 minutes (time-out). Your entries will be automatically deleted after your request has been sent to the Immigration Office or after you have been inactive for more than 30 minutes.

After your data has been sent to the Immigration Office, your data will be stored there for as long as is necessary for the fulfilment of the respective task (e.g. correct documentation, fulfilment of documentation obligations) in compliance with the statutory storage regulations of the federal and state governments.

Otherwise, the Immigration Office will store your data for the following period:

- in the case of naturalisation: 5 years after naturalisation,
- in the event of moving away: 10 years after moving away from the area of responsibility of the Immigration Office,
- in the event of death: 5 years after the date of death,
- in the event of expatriation or deportation: 10 years after the end of the limitation date.

5. Data subject rights

According to the GDPR you have the following rights:

- right to information about the data stored about you and its processing (Article 15 GDPR),
- right to rectification of your data if it is inaccurate or incomplete (Article 16 GDPR),
- right to erasure of the data stored about you (Article 17 GDPR),
- right to restriction of processing if your data has been processed unlawfully, your data is required to assert, exercise or defend legal claims or, in the event of an objection, it is not yet clear whether the interests of the Controller outweigh your rights (Article 18 GDPR); if the accuracy of the personal data is disputed, you have the right to restrict processing for the duration of the accuracy check,
- right to data portability if you have consented to data processing or there is a contract for data processing and data processing is carried out using automated procedures (Article 20 GDPR), and
- right to object to certain data processing if there is no compelling public interest in the processing that outweighs your interests and there is no legal obligation for the processing (Article 21 GDPR).

If you exercise your above-mentioned rights, the Immigration Office will check whether the legal requirements for this have been met.

6. Right of appeal in the event of violations of data protection law

Every data subject has the right to lodge a complaint with the competent supervisory authority if they believe that their personal data is being processed unlawfully (Article 77 GDPR).

You can contact the competent supervisory authority as follows:

Die/Der **Landesbeauftragte für den Datenschutz Niedersachsen**

Prinzenstraße 5

30159 Hannover

Telefon: 0511 1204500

Telefax: 0511 1204599

E-Mail: poststelle@lfd.niedersachsen.de

Internet: <https://www.lfd.niedersachsen.de>

7. Obligation to provide data

If you submit an application for one of the above-mentioned services at the Immigration Office, you are obliged to provide the verifiable information required for this purpose as well as suitable evidence (e.g. personal documents, certificates and other documents).

Your obligation to cooperate results from Section 82(1) Residence Act. Failure to cooperate may result in adverse consequences for you. For example, incorrect or incomplete information that is not completed or corrected in time vis-à-vis the Immigration Office can delay the procedure, result in the withdrawal of residence rights already granted, a fine, a prison sentence of up to three years or expatriation from the federal territory.