



## Privacynotice

### **On the processing of personal data pursuant to Art. 13 and 14 of the General Data Protection Regulation (GDPR) for the mobility notification procedure according to Sections 16c, 18e and 19a German Residence Act and applications according to Sections 18f and 19b German Residence Act**

Various institutions (companies, universities and research institutions) collect personal data from mobile persons (intra-corporate transferees as well as researchers and students) in the mobility procedure according to Sections 16c, 18e and 19a German Residence Act and in applications according to Sections 18f and 19b German Residence Act. If the personal data is collected by means of a standard form, this form is to be deleted by the respective institution on its own responsibility according to the relevant data protection rules after it has been uploaded into the provided IT application. The data collected by the institutions are transmitted to the responsible national contact point for ICT (intra- corporate transferees) or REST (researchers and students), which are located at the Federal Office for Migration and Refugees (acronym in German BAMF).

In the notification procedure, the prerequisites for mobility are verified based on the transmitted data and, if necessary, the data is forwarded to other authorities and EU member states. The BAMF issues a mobility certificate or rejects the mobility.

In the case of applications in accordance with Sections 18f or 19b of the German Residence Act, the transmitted data are forwarded to the competent local foreigners office for decision without further examination.

In all these cases, the BAMF is responsible for the protection and security of the data of mobile persons and informs about the processing of these data and about data protection rights. All personal information will be treated confidentially and in accordance with legal requirements. For this purpose, you receive the following information:

#### **1. Contact details of the organisation responsible:**

Bundesamt für Migration und Flüchtlinge  
- Nationale Kontaktstelle  
90343 Nürnberg

#### **2. Contact details of the data protection officer:**

Bundesamt für Migration und Flüchtlinge  
- Behördlicher Datenschutzbeauftragter  
90343 Nürnberg

### **3. Source of data and purpose of data processing**

The BAMF obtains the personal data from the institutions collecting the data.

- a) In the mobility notification procedure pursuant to Sections 16c, 18e and 19a of the German Residence Act, the BAMF also collects additional data, if necessary, from the German foreigners authorities, from the Central Register of Foreigners, German security authorities and from other EU Member States in which the mobile person already holds a residence title in accordance with Directives (EU) 2014/66 or (EU) 2016/801, in particular information on the residence status in other Member States and potential security concerns of the German security authorities. The purpose of collecting the data is to verify the entitlement to mobility within the Federal Republic of Germany and, if necessary, to confirm it in a mobility certificate, thus providing the mobile person with legal certainty. In cases of Section 19a German Residence Act, the Federal Employment Agency may be involved.
- b) In cases of an application according to Sections 18 f or 19 b German Residence Act, the data processing intends to check the prerequisites of the residence title by the competent local foreigners authority.

In both cases, the data processing is necessary for the fulfillment of a legal obligation within the meaning of Art. 6 (1) lit. c GDPR.

An automated decision does not take place.

### **4. Categories of personal data**

Personal data is collected, as well as evidence of already existing residence permits within the meaning of Directives (EU) 2014/66 and (EU) 2016/801, as well as copies of travel documents and proof of admission to the respective institution within the scope of the relevant directive and the admissibility of admission. For students according to Section 16c German Residence Act and researchers according to Section 18e German Residence Act, proof of subsistence is also submitted. Furthermore, in the case of family reunification with mobile researchers, proof of family relationships (e.g. marriage or birth certificates) will be submitted. In special cases, any security concerns of the German security authorities will be obtained.

### **5. Recipients of the data**

Recipients of the data are:

- a) The competent foreigners office in Germany (§ 76a German Ordinance Governing Residence)
- b) The Central Register of Aliens (in accordance with the Central Register of Aliens Law – and the Ordinance on the Implementation of the Central Register of Aliens Act)
- c) If applicable, the German security services (Section 73 3c German Residence Act)
- d) The issuing EU member state of the residence title (in accordance with §§ 91d para. 4 / 91g German Residence Act)
- e) The Federal Employment Agency (Section 72 (7) German Residence Act).
- f) Companies or universities or research institutions (Sections 19a (3) and 19f (5) German Residence Act).
- g) The German missions abroad (Sections 91d (3)/ 91g (3) German Residence Act).

### **6. Duration of storage**

The scope and duration of storage are generally determined by the purpose of the data processing (Art. 5 para. 1 lit. e GDPR), the data will be deleted after 10 years at the latest, unless a longer period is required by archiving law.

As of February 2023

## **7. Rights**

Every concerned person has the right of access to the respective personal data concerned (Art. 15 GDPR), the right of rectification (Art. 16 GDPR), erasure (Art. 17 GDPR) and restriction of processing (Art. 18 GDPR), the right to file an objection against the data processing (Art. 21 GDPR) and the right to lodge a complaint with the competent data protection supervisory authority:

Bundesbeauftragte für den Datenschutz und die Informationsfreiheit  
Graurheindorfer Str. 153  
53117 Bonn  
E-mail: [poststelle@bfdi.bund.de](mailto:poststelle@bfdi.bund.de)