



Privacy policy for project funding

'Export Initiative Environmental Protection' (EXI)

The Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV) takes its responsibility to protect your personal data very seriously. We process personal data only to the extent necessary, and in full compliance with the General Data Protection Regulation (GDPR) and German Federal Data Protection Act (BDSG).

The following policy informs you about the nature, purpose and background for the processing of your personal data in conjunction with your outline submission or proposal to receive a grant from the BMUV as part of project funding within the 'Export Initiative Environmental Protection' (EXI) funding programme (pursuant to the Guideline on the Funding of Measures for the Export of Green and Sustainable (Environmental) Infrastructure, dated 30 April 2021, published: <https://www.exportinitiative-umweltschutz.de/foerderung/foerderrichtlinie>).

This information sheet provides you with further details of the data that is collected, and for what purpose and on what basis, the various ways in which you can contact the controller and the Data Protection Officer, and the rights you are granted in relation to the processing of your personal data.

The following information applies equally to the collection of your own personal data (as the person directly submitting the outline or the proposal) and the collection of personal data belonging to third parties (e.g. your employees).

According to art. 13 and 14 of the GDPR, we are required to provide you with the following details when collecting personal data:

1 Controller and Data Protection Officer (art. 13(1) nos. 1 and 2 of the GDPR)

1.1 Name and contact details for the controller

Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection
Stresemannstraße 128–130
10117 Berlin, Germany
Phone: +49 (0)30 18 305-0
Fax: +49 (0)228 99 305-3225
Email: poststelle@bmuv.bund.de

1.2 Contact details for the Data Protection Officer

If you have questions or require information about data protection, please contact the Data Protection Officer at the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection.

Data Protection Officer at the BMUV

Federal Ministry for the Environment, Nature Conservation, Nuclear
Safety and Consumer Protection
Stresemannstraße 128–130
10117 Berlin, Germany

Phone: +49 (0)30 18 305-0

2 Categories of personal data that we process and the sources from which we obtain this data

The BMUV processes personal data that it has received in the course of project outline submissions, proposals and the overall handling of the project funding procedure from the respective applicants and/or grant recipients, and – where relevant – from contract and cooperation partners.

Personal data is also processed that has been received from authorities and/or third parties (e.g. pursuant to BDSG section 25). Lastly, personal data is also processed from publicly available sources, namely the trade register, the register of associations and credit rating data, as available from CRIF GmbH. Further information, please visit the CRIF website (<https://crif.de/en/privacy>).

The following categories of personal data are processed in this way:

- Name, address, contact details as well as other personal data from the applicant as requested on the application form
- Name and contact details of the person assigned the project management role
- Name and contact details of the contact person for administrative enquiries (during proposal phase and in the event of an approval)
- Name and contact details of designated officers or legally authorised representatives
- Name and contact details of the person receiving payments (account holder)
- As may be required: credit rating data from applicant and data from trade register (company name, registered place of business, branch/independent branch offices, purpose of company business, authorised representatives, legal form of business, plus nominal/share capital and the name of the company owner)
- Name, address, correspondence address, contact details of executing office
- Name and contact details for the contact person from the executing office (if necessary)
- Name, registered place of business and country of cooperation partner (if applicable)

- If known: last name, first name, pay scale (if necessary), position, hours worked for individuals employed on the project by the grant recipient, plus other details given by the applicant for the determination of grant-eligible personnel expenses and costs

3 Purpose and legal basis for the processing of personal data

3.1 Purposes for which personal data is processed

Data processing takes place when an outline or proposal is submitted and for the purpose of completing the project funding procedure.

Processing takes place for the following purposes in particular:

- Registration for the online outline portal
- Review of the outline or proposal for project grants, including expert opinions
- Preparation of the funding decision
- Settling and monitoring payments
- Auditing grant usage
- Analysis and statistical purposes
- Legally required audits conducted by the German Federal Audit Office
- Evaluations
- Ensuring transparency of information provided to general public and public bodies (e.g. Bundestag, authorities in German Länder, EU)

Contact details are also used to provide you with information about individual events that relate to the funded project or the funding topic (e.g. grant decision handover, networking events, workshops – point (e) of art. 6(1) of the GDPR in conjunction with section 3 of the BDSG, sections 23, 44 of the German Federal Budget Code, BHO).

3.2 Legal basis for processing

For all of the stated purposes, data processing takes place in the public interest pursuant to point (e) of art. 6(1) of the GDPR in conjunction with sections 3, 25(1) and (2) of the BDSG, as processing serves to implement a grant procedure pursuant to sections 23 and 44 of the BHO, and both the lawfulness and the cost-effectiveness of the receipt of the grant must be tracked.

In addition, there is a public interest in the fulfilment of the transparency requirements imposed on the BMUV (art. 110(2) of the German Basic Law (GG) in conjunction with art. 42(1) of the GG, section 10 of the BHO) in relation to the use of public funds.

Data processing also takes place on the basis of legal requirements: in terms of audits made by the Federal Audit Office, pursuant to point (c) of art. 6(1) of the GDPR in conjunction with section 95 of the BHO; in terms of providing information to the general public, pursuant to point (c) of art. 6(1) of the GDPR in conjunction with sections 5, 11 of the German Freedom of Information Act (IFG) and point (c) of art. 6(1) of the GDPR in conjunction with sections 3, 9 of the German Environmental Information Act (UIG); and in terms of providing information to public bodies, pursuant to point (c) of art. 6(1) of the GDPR in conjunction with section 10 of the BHO (Bundestag/Bundesrat), point (c) of art. 6(1) of the GDPR together with art. 38(1) sent. 2, 20(2) sent. 2 of the GG (information for Bundestag) and point (c) of art. 6(1) of the GDPR in conjunction with art. 53 sent. 3 GG (information for Bundesrat).

3.3 Potential consequences of failing to provide data

In the context of project funding, you must provide the items of personal data that are either required for decision-making, preparation and implementation of the funding procedure, as well as the fulfilment of the associated contractual or legal obligations, or which we are required to process by law. Without these items of data, project funding may not be able to be carried out.

3.4 Automated decision-making, including profiling (art. 22(1) and (4) of the GDPR)

We do not use automated decision-making or profiling as defined by art. 22 of the GDPR.

4 Information about sharing and overseas relationships

4.1 (Categories of) recipient(s) of personal data

'profi' project information system: the BMUV uses the 'profi' project information system for the preparation, organisation, support and account settlement of funding measures. This system is operated by the Project Funding Information Service at the German Aerospace Center (DLR-IP) as the data processor for the Federal Ministry of Education and Research (BMBF) (art. 28 of the GDPR).

Federal Treasury (Federal Budget): the 'profi' system has an interface to the German Federal Treasury – the required personal data is transferred to process payments to the Federal Treasury.

Grant and Coordination Database: the 'profi' system is also provided with an interface to the Grant and Coordination Database. This database is also administrated by the DLR-IP. All other federal ministries also have access to these databases, as do their subordinate departments and (potentially) data processors who have been given access to the 'profi' project funding information service, as well as the Federal Audit Office. The following data is transferred to these parties, independently of the legal form of the grant recipients:

name, location, country/nation of the grant recipient and/or the executing office with the topic of the respective project, the duration, the grant amount, the grant code, the competent department at the BMUV and the respective consortium.

Project management agencies: the BMUV also employs project management agencies as data processors for the implementation of funding programmes. On behalf of the BMUV, Zukunft – Umwelt – Gesellschaft (ZUG) gGmbH handles the subject-related and administrative implementation of the funding measures. In the course of this work, the project management agency also processes the necessary personal data both in its own applications and via the 'profi' system.

Evaluators: for the evaluation of the respective funding programmes, personal data is also transferred to external evaluators. These individuals act as data processors on behalf of the BMUV.

Federal Funding Catalogue: the Funding Catalogue (accessible at <https://foerderportal.bund.de/foekat>) publishes the following data, independently of the legal form of the grant recipients:

name, location, country/nation of the grant recipient and/or the executing office with the topic of the respective project, the duration, the grant amount, the grant code, the competent department at the BMUV and the respective consortium.

Enquiries: to answer enquiries, personal data may be transferred to members of the German Bundestag (and possibly to the EU Commission or other authorities) on the basis of point (e) of art. 6(1) of the GDPR in conjunction with section 3 of the BDSG, section 25(1) of the BDSG and section 25(2) of the BDSG, if this is necessary and lawful.

Bundestag constituencies: for the presentation of projects that are funded by the BMUV within the individual Bundestag constituencies, Members of the German Bundestag are provided with the name and location of the grant recipient, topic, duration and amount of funding for the individual projects.

Federal Audit Office: the Federal Audit Office (BRH) is also given access rights to the 'profi' project funding information system for its audit work.

Price surveillance bodies: the price surveillance bodies of the German Länder, the State Courts of Audit and the audit authorities may receive personal data for the purpose of more in-depth audits of grant usage.

Intermediate/Federal Archives: for archiving, project files are sent to the Intermediate Archive or Federal Archives in accordance with the Guideline on the Handling and Administration of Written Materials in Federal Ministries (Registry Guideline).

4.2 Transfer of data to third countries

In the course of project funding, no personal data is transferred to bodies whose registered place of business or location of data processing is not in a Member State of the European Union or in another state that is party to the Agreement on the European Economic Area.

5 Duration of storage

We erase personal data if this data is no longer needed for the purposes that we pursue and no other legal basis is applicable – such as is particularly the case for legal or contractual retention periods.

The storage of personal data in the project files complies with the periods applicable to the storage of written materials according to the Registry Guideline that supplements the Joint Rules of Procedure of the Federal Ministries (GGO) as well as the specific legal provisions for the storage of budgetary data (esp. Administrative Procedure on Payments, Accounting and Financial Reporting, VV ZBR BHO). The criteria for determining periods according to the Registry Guideline can be found by consulting annex 5 of the same. The maximum storage duration will typically not exceed 20 years, insofar as a longer period of storage does not become necessary as a result of the particularities of the individual case or legal requirements.

6 Rights of the data subject (art. 13(2) nos. 2, 3, 4 of the GDPR)

If the respective legal requirements are met, you are granted the following rights by the General Data Protection Regulation:

6.1 Right of access (art. 15 of the GDPR)

The right of access gives you comprehensive information about your personal data and some other important criteria such as the purpose of processing or the period of storage. Exceptions to this right apply as stated in section 34 of the BDSG.

6.2 Right to rectification (art. 16 of the GDPR)

The right to rectification includes your entitlement to request changes to any of your inaccurate personal data.

6.3 Right to erasure (art. 17 of the GDPR)

The right to erasure includes your entitlement to request the deletion of any of your personal data. However, this is only possible if your personal data is no longer required, is being processed unlawfully or your consent that was given in this respect has been withdrawn. Exceptions to this right apply as stated in section 35 of the BDSG.

6.4 Right to restriction of processing (art. 18 of the GDPR)

The right to restriction of processing includes your entitlement to prevent the further processing of your personal data for the time being. This restriction applies in particular while your exercising of other rights is being assessed.

6.5 Right to data portability (art. 20 of the GDPR)

The right to data portability includes your entitlement to receive your personal data from the controller in a common, machine-readable format, such as a PDF document, so as to be able to then have this data forwarded to other controllers, as may be necessary. Pursuant to art. 20(3) sent. 2 of the GDPR, this right cannot be exercised if the data processing is necessary for the performance of a task carried out in the public interest.

6.6 Right to object (art. 21 of the GDPR)

The right to object includes your entitlement to object to the further processing of your personal data in specific circumstances, insofar as this is justified to perform public tasks or in view of public and private interests. Pursuant to section 36 of the BDSG, this right does not apply if a public body is required by law to process the data.

6.7 Right to withdraw consent (art. 7(3) of the GDPR)

Insofar as the processing of personal data is based on consent, data subjects can withdraw this consent at any time for the corresponding purpose. The lawfulness of processing on the

basis of the consent given remains unaffected until the point in time of the withdrawal. In addition, point (b) of art. 13(2) in conjunction with art. 21 of the GDPR grants you a right to object to processing activities that are based on point (f) of art. 6(1) of the GDPR.

Exercising these rights is free of charge for you and is granted upon request within the scope of your interest in information. To exercise these rights, please contact the Data Protection Officer for the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection.

6.8 Right to lodge a complaint with a supervisory authority

If we process your personal data, you have the right to lodge a complaint with the data protection supervisory authority.

The competent supervisory authority is:

Federal Commissioner for Data Protection and Freedom of Information
Graurheindorfer Str. 153
53117 Bonn, Germany

Phone: +49 (0)228 99 7799-0
Email: poststelle@bfdi.bund.de
Internet: www.bfdi.bund.de