

## US to EU/EEA US TEACHING ASSISTANTS: Data Protection Statement

### 1. Personal Data

We, the **Austrian-American Educational Commission**, MQ, Museumsplatz 1, A-1070, Vienna, Austria (the “Commission”), administer the US Teaching Assistantship Program (“Program”) in Austria on behalf of the Austrian Federal Ministry of Education (Bundesministerium für Bildung (“BMB”)), Minoritenplatz 5, A-1010 Vienna.

In order to administer your participation in the Program as a US teaching assistant (“USTA”) we will collect, process, and use your personal data only upon your consent and/or instruction or appointment for the purposes agreed with you or where there is any other legal basis as per Regulation (EU) 2016/679 (General Data Protection Regulation/GDPR); this will be done in compliance with data protection and civil law provisions.

Personal data means all data which includes details regarding personal or factual circumstances, such as, for example, name, address, email address, phone number, date of birth, age, gender, social security number, video recordings, photos, voice recordings of persons, and biometric data, such as fingerprints.

### Activities where we process your personal data?

We may collect and process the personal data in connection with the following activities carried out:

- Record creation/management
- Application review and evaluation
- Background check
- Grant management
- Medical review
- Financial management
- Travel management
- Insurance management
- Event coordination
- Program promotion
- Participant progress monitoring
- Program reporting
- Program evaluation

### **What sensitive data may be involved?**

The personal data we collect in carrying out these processing activities may include:

- Identifying information such as your contact details, age, gender, citizenship information, marital status, user name, government-issued identification (passport/ID) and picture;
- Academic and professional information such as your academic history, job titles, salary, work history, school attended, employee files, employment history, evaluations, professional references, interviews, and certifications;
- Family information such as your family structure, siblings, details of dependents, marriages, divorces, and relationships;
- Financial information about your bank account and personal income;
- Photographs of you during the Program (if you are selected);
- Information about your personal history such as your travel history and other events in your life;
- Information about your preferences such as your opinions, intentions, and interests.
- Information concerning your health;
- Data revealing racial or ethnic origin;
- Information relating to criminal convictions and offenses or related security measures;
- Information about your political views (if and as volunteered);
- Information about your sexual orientation (if and as volunteered);
- Political, religious or philosophical beliefs (if and as volunteered);
- Trade union membership (if and as volunteered).

## **2. Legal Basis for Processing**

If you apply for the program, we collect and process personal data which you have either provided to us or which we obtain, for example in the course of interviews, or in the course of internal assessment centers or the performance of tests. We process your data according to Art 6 (1) point (b) GDPR in order to take necessary steps prior to entering into a contract.

We do not collect any special categories of personal data during the application process (in particular data revealing your racial or ethnic origin, political opinion, religious or philosophical beliefs, trade union membership, nor health data, data on sex life, or sexual orientation). However, if you provide us with information that contains special categories of personal data, this constitutes your explicit consent pursuant to Art 9 (2) point (a) GDPR that we may process this data.

According to Sec 2d (1) Austrian Research Organisation Act (*Forschungsorganisationsgesetz – FOG*) we may store your data for ten years after the end of the Program. However, the Austrian-American Educational Commission ascertains that it has a legitimate interest in archiving personal data of Fulbright Austria program alumni and participants over a period of ten years. This is necessary in order to maintain a coherent record of program alumni for the historical record since 1950 and maintain contact with the benefactors of the program to document the longitudinal impact of its programs and its alumni for the governments, sponsors, and donors, who are responsible for funding it. In accordance with Article 21 GDPR, you have the right to object (see point 3 below).

We will store your data beyond that period only if you consent, if we further process your data based on another legal basis or if it is necessary for the completion of possible legal disputes, in which the data is needed as evidence.

Please note that we will not be using personal data to make decisions about you based solely on automated processing, including profiling.

### **3. Rights of Data Subjects**

As a data subject of our data processing you have the following rights and legal remedies:

According to Art 15 GDPR you have the right to access the personal data concerning you that is being processed by us. Without prejudice to other statutory restrictions, this right does normally not exist if the provision of this information would jeopardize a business or trade secret of us or third parties.

You also have the right to rectification of inaccurate or incomplete personal data according to Art 16 GDPR, the right to erasure ('right to be forgotten') of your personal data according to Art 17 GDPR, and the right to restriction of processing according to Art 18 GDPR. According to Art 20 GDPR you have the right to receive the data you have provided in a structured, commonly used and machine-readable format, and the right that those data are transmitted without hindrance or restriction to another controller.

In accordance with Article 21 GDPR, you also have the right to object, on grounds relating to your particular situation, at any time with effect for the future, to the processing of personal data concerning you, which we process on the basis of a public or legitimate interest (Art 6 (1) point (e) and (f) GDPR); this also applies to profiling based on those provisions. We no longer process your personal data after you object to processing, unless there are compelling legitimate grounds for the processing which override your interests, rights and freedoms or processing is necessary for the establishment, exercise or defense of legal claims.

You can withdraw your consent at any time with effect for the future and without stating a reason in order to hinder further processing of your personal data that has been collected and used based on consent.

For processing activities carried out based on the Austrian Research Organisation Act, you may exercise your rights as a data subject only within the scope of Sec 2g (5) Austrian Research Organisation Act (*Forschungsorganisationsgesetz – FOG*).

In order to exercise your rights as a data subject, please send an e-mail to our data protection officer RA Prof. Franz J. Heidinger, LL.M.(Virginia).

E-Mail: [dataprotection@fulbright.at](mailto:dataprotection@fulbright.at)

Address: Alix Frank Rechtsanwälte GmbH, A-1010 Wien, Schottengasse 10, Austria.

For questions concerning the processing of your personal data, please also contact our data protection officer.

You are also entitled to lodge a complaint with a data protection supervisory authority. In Austria, this is the data protection authority (Österreichische Datenschutzbehörde, [www.dsb.gv.at](http://www.dsb.gv.at)).

#### **4. Data Security**

Your personal data is protected through appropriate technical and organisational measures. Those measures include but are not limited to protection against unauthorised, unlawful or accidental access, processing, loss, use, and tampering.

Irrespective of our efforts to observe an appropriately high standard of due diligence at all times it cannot be excluded that information which you have provided to us via the internet will be inspected and used by other persons.

Please note that we, therefore, assume no liability whatsoever for disclosure of information due to errors in data transfers that were not caused by us and/or unauthorised access by third parties (e.g. hacker attack on email account or phone, interception of fax messages).

#### **5. Transfer of Data to Third Parties**

Within Austrian-American Educational Commission, only the responsible organizational entities and persons process your data. We do not transmit your personal data to other recipients, unless it is required to fulfil our contractual obligations or to comply with mandatory laws/authority requests.

However, your personal data is being processed also by our processors on our behalf. These processors are in particular providers of marketing tools, IT service providers, providers of other tools and software solutions, and IT maintenance services. Our processors process your data solely on our behalf and on the basis of our instructions.

The personal data that we collect about you may be transferred to, and stored at, or processed in one or more countries outside the European Economic Area ("EEA") which have not yet been deemed by GDPR Regulatory Authorities to offer adequate data protection. In such cases, we will take the following steps to ensure an adequate level of data protection in the country of the recipient as required under the GDPR: Standard Contractual Clauses.

The following third parties (the "Third Parties") may process your personal data:

- Event management tools
- Survey vendors
- Fulbright participant websites/interactive platforms
- Data management systems
- Digital asset management systems
- Electronic and physical mail delivery services

The Austrian Federal Ministry of Education (**BMB** - Bundesministerium für Bildung) will receive your personal data in order to allow the relevant provincial school board and the school(s) to which you have been assigned to register you as an employee and provide the Austrian Insurance Fund for Civil or Public Servants miners and persons employed with the federal railways (**BVAEB** - Versicherungsanstalt öffentlicher Bediensteter, Eisenbahnen und Bergbau) with the information needed to insure you for the duration of your employment. If necessary, Fulbright will also share certain Sensitive personal data with the BMBWF to ensure that the school(s) to which you are assigned can accommodate any special needs or requirements you may have and/or are located in an area that is easily accessible in accordance with your medically related needs.

The Austrian Federal Ministry of Agriculture, Forestry, Regions and Water Management (**BML** - Bundesministerium für Land- und Forstwirtschaft, Regionen und Wasserwirtschaft) will receive your personal data in order to allow the relevant provincial school board and the school(s) to which you have been assigned to register you as an employee and provide the Austrian Insurance Fund for Civil or Public Servants miners and persons employed with the federal railways (**BVAEB** - Versicherungsanstalt öffentlicher Bediensteter, Eisenbahnen und Bergbau) with the information needed to insure you for the duration of your employment. If necessary, Fulbright will also share certain Sensitive personal data with the BML to ensure that the school(s) to which you are assigned can accommodate any special needs or requirements you may have and/or are located in an area that is easily accessible in accordance with your medically related needs.

Austria's Agency for Education and Internationalisation (**OeAD** - Agentur für Bildung und Internationalisierung) will receive your personal data in order to allow the relevant provincial school board and the school(s) to which you have been assigned to register you as an employee and provide the Austrian Insurance Fund for Civil or Public Servants miners and persons employed with the federal railways (**BVAEB** - Versicherungsanstalt öffentlicher Bediensteter, Eisenbahnen und Bergbau) with the information needed to insure you for the duration of your employment. If necessary, Fulbright will also share certain Sensitive personal data with the OeAD to ensure that the school(s) to which you are assigned can accommodate any special needs or requirements you may have and/or are located in an area that is easily accessible in accordance with your medically related needs.

The Austrian Federal Ministry of European and International Affairs (**BMEIA** - Bundesministerium für europäische und internationale Angelegenheiten) and the relevant Consulates General will receive your personal data in order to allow the relevant Consulates General and honorary consulates to process your applications for residence permits (Aufenthaltsbewilligungen).

The **US Embassy Vienna** will receive your local contact information for Fulbright Austria community events and communication.

## 6. Communication and Notification of Data Breaches

We endeavor to ensure that data breaches will be noticed early and immediately communicated to you and notified to the competent supervisory authority, where applicable, including the relevant categories of data concerned.

## 7. Our Contact Details

Protection of your data is of particular importance to us. Please do not hesitate to contact us using the contact details stated below at any time if you have any questions.

**Austrian-American Educational  
Commission**  
MumseumsQuartier (MQ),  
Museumsplatz 1  
A-1070 Vienna

**Data Protection Officer**  
RA Prof. Franz J. Heidinger, LL.M.(Virginia).  
Alix Frank Rechtsanwälte GmbH  
Schottengasse 10  
A-1010 Wien  
[dataprotection@fulbright.at](mailto:dataprotection@fulbright.at)

Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_