



TECHNISCHE
UNIVERSITÄT
WIEN

Manual

Data protection at Events at TU Wien



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1 GENERAL

For an optimal handling of events, the collection and processing of personal data of (potential) participants is essential. With the entry into force of the GDPR on 25.05.2018, many questions have arisen in this context, which will be clarified in this document.

The legal basis and data protection processes are explained in detail in the TU Wien Data Protection Manual¹.

In addition, the following is noted: The documentation of processing activities in the processing directory is carried out by the data protection coordinator (DSK) responsible for the event organizer, whereby not every event is to be entered separately (for detailed information ask your DSK). The processing of personal data for the handling of events at TU Wien is only permitted if there is a legal basis for the use of the data. Note that both the processing of personal data in electronic and paper form are affected by the GDPR.

Several people are usually involved in the implementation of events, who are sometimes responsible for compliance with data protection laws to varying degrees. For this purpose, it is important to clarify in advance who is the responsible party, the processor (if applicable) and the data subject:

Responsible party: usually the organizer who decides on the purposes and means of the processing of personal data (note: this does not always have to be the TU Wien).

Processor: This includes natural or legal persons, authorities, institutions or other bodies that process personal data on behalf of the controller. The decisive factor for the qualification as a processor is that he/she processes the data on behalf of the controller and that the processor does not decide on the processing purposes and means. If, for example, an external company is commissioned to organize a conference, this is usually a processor with whom a corresponding contract must be concluded (for detailed information contact datenschutz@tuwien.ac.at).

Data subjects: These are the persons whose personal data are processed, such as participants and speakers.

2 EVENTS WITH PRE-REGISTRATION AND LIST OF PARTICIPANTS

In particular, these include:

- a. Conferences and meetings,
- b. Seminars (for TU employees, for external participants),
- c. Sponsorships, graduations, emeritus ceremonies,
- d. Honorary ceremonies (e.g. golden diplomas),
- e. various TU internal events, and
- f. Excursions (in connection with courses).

¹ Data Protection Manual of the TU Wien (www.tuwien.at/datenschutz/dokumente under "Manuals and FAQs" currently only available in german).

2.1 Transmission and content of invitations

At the beginning of the organization of an event, it must be determined, among other things, who should or may be invited to the event.

According to the GDPR, personal data may only be processed if there is a legal basis for doing so and if the data protection principles are observed². A legal basis exists, for example, if.

1. there is a legal or contractual basis,
2. there is consent, or
3. there is a legitimate interest.

In the case of the TU Wien, for example, a legal basis exists if the purpose of the event is to support national and international cooperation in the field of scientific research and teaching as well as the arts. This is a core task of a university defined in § 3 of the Universities Act (UG) and, in the opinion of the TU Wien, can be used as a legal basis³.

A contractual basis exists if, for example, a contract has been concluded for the handling of an event for which the participants must register. On the basis of this contract, all related personal data may be processed.

Example: 50 people have registered for conference xy using a registration form and have transferred the cost contribution. A contractual relationship therefore exists with these persons. The personal data required for processing the conference may be processed as long as there is a purpose for processing.

Consent for the processing of personal data is required if neither a legal or contractual basis nor a legitimate interest can be used as a basis for the processing.

However, consent can be withdrawn at any time, which is why we recommend not to base data processing on the legal basis of consent (only if no other basis exists).

Consent must always be obtained in writing and stored in a predefined location so that it can be retrieved if necessary. Consent to data processing operations must be independent of other contractual declarations (coupling prohibition).

So whose data may generally be used for invitations? Data

- of persons with whom an active business relationship exists within the scope of university operations, regardless of the planned event.
- of persons with whom you have had a business relationship within the scope of university operations, regardless of the planned event.
- of persons from whom you have actively received business cards.
- of persons whose addresses you have received from third parties, if you have been guaranteed that this person has consented to the disclosure⁴.
- of persons whose data is obviously publicly accessible.
- from active employees of the TU Wien.
- from active students of the TU Wien and
- of graduates of the TU Wien.

Thus, there is either a contractual or legal basis⁵ for the use of the above-mentioned data to send an invitation. If persons are to be invited to the event who do not fall under any of the above-mentioned points, it must be checked whether a legitimate interest could exist. This could be the case, for example, if it can be assumed that a certain person might be interested in the subject area of an event.

² See in this regard: Data Protection Manual of the TU Wien, page 7 (currently available only in German).

³ For the legal basis, see, among other things, § 3 UG Tasks of a University: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20002128> (last accessed on 12.10.2021).

⁴ Vgl. <https://invitario.com/dsgvo-einladen-zu-veranstaltungen/> (zuletzt abgerufen am 12.10.2021).

⁵ For the legal basis, see, among other things, § 3 UG Tasks of a University: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20002128> (last accessed on 12.10.2021).

Example: The institute xy had a list at its exhibition stand at the BeSt education fair, where interested people could sign up to receive newsletters from the institute xy and the TU Wien. In every newsletter that is sent out, the possibility must be given to unsubscribe from this list at any time.

If the institute would like to send additional advertising for cooperation partners, for example, separate consent must be obtained for this. Consent to the Institute's newsletter does not constitute consent to other mailings, such as advertising for cooperation partners. In addition, the sending of the newsletter may not be made dependent on the consent to other mailings (such as advertising for cooperation partners) ("tying ban").

The institute may send information to the registered persons, i.e. also invitations to events and activities of the institute xy.

Recommendation: The TU.it offers different mailing lists, in which also TU-external addresses can be integrated and in which existing lists can be imported. There are various options for unsubscribing from the mailing list, and it is possible to unsubscribe oneself. Information on this can be found here: <https://www.it.tuwien.ac.at/services/kooperation-und-kommunikation/e-mail-und-kalender/uptdate-e-mail-u-kalender-f-mitarb/mailverteiler-und-massenmailversand>

To handle the registration for an event you can use the service "PowerMail" in Typo3. Details can be found in the Typo3 manual of the TU Wien under the following link: <https://colab.tuwien.ac.at/x/KGD1AQ>.

If persons are contacted who are not registered in any mailing list, but who can be assumed to be interested in the conference, these persons may be contacted if the e-mail address is obviously published by the person himself/herself (e.g. on his/her own homepage)⁶ and/or if it can be assumed that there might be a legitimate interest⁷.

The invitation should contain the following information:

"Since, according to information available to us, our event concerns an area in which you are active, we would like to inform you of this. If you do not wish to receive further mailings about this conference, please contact us at xy@abckonferenz.at."

This wording can also be used when writing to people whose contact information you have received from previous events on similar topics.

In the invitation, you will usually include a link to a registration form. This registration form must contain a link to the data protection information (see Appendix 1) for events. This fulfills the information obligations according to GDPR.

Note: When registering for the newsletter, data subjects must also be informed of their rights. A template can be found in Appendix 2.

(Note: this information can also be printed on the back of the registration sheet or provided separately in the case of electronic registration).

Once it has been clarified who should or may be invited to the event, the content of the invitation must be determined.

If photographs are taken at the event, the invitation (both the one sent electronically and the one in hard copy) must contain a corresponding note. The wording could be as follows:

"We point out that at the event (xxx PLEASE INSERT xxx) pictures and / or films will be made by a photograph. Please also inform any guests about this fact. In case you or your guests do not want to be photographed or filmed, please contact us. For participants who do not wish to be photographed, there is a photo-free zone."

⁶ Note: Article 9 (2) lit e GDPR allows the processing of special categories of personal data (formerly sensitive data) if these data have been obviously made public by the data subject. Since this type of personal data must be classified as more worthy of protection than general personal data (such as name, address, employer, etc.), but these may be processed if they have obviously been made public by the data subject, it can be assumed that general personal data that have obviously been made public may also be processed (however, there is no corresponding mention in the legal text). Furthermore, the existence of a legitimate interest could be argued here. Thus, Recital 47 states "... The processing of personal data for direct marketing purposes may be regarded as carried out for a legitimate interest." There is some legal uncertainty here, but if you only use addresses that have been made public by the individuals you are writing to or their employers and whose research area or field of work falls decidedly within the scope of the conference/event topic, it seems legitimate to write to these individuals for the purpose of inviting them to the conference.

⁷ If you are unsure about this, please contact the relevant data protection coordinator and/or the data protection officer at datenschutz@tuwien.ac.at.

The text can be adapted according to requirements.

If people are invited to an event via newsletter, the newsletter must offer the possibility to unsubscribe from the mailing list.

2.2 Registration list management and payment

If you register for your event electronically, the data protection information must also be provided and it must be pointed out that registration for the event is not possible without collecting, storing and processing personal data. It must also be stated that the data will be processed in accordance with the provisions of the GDPR and exclusively for the purpose of processing the event. It should also be noted that the data will be stored for as long as there is a purpose for storing it (see Appendix 1).

If the registration for an event is handwritten, the same information must be provided as for an electronic registration.

For both registration variants, you can provide a separate field for newsletter registration, which must be actively checked in order to be able to subsequently process the data for newsletter dispatch.

Regarding the management of registration lists, make sure that they are kept as secure as possible and that no one has access to this data who is not involved in the processing of the event. It is also important to ensure that only personal data that is actually required for event processing is collected.

If you manage the lists in paper form, these must be kept locked away when you leave the office. If possible, electronically managed registration lists should be password-protected and stored on a secure drive. If possible, do not send the lists to recipients outside the TU Wien via unencrypted or unsigned e-mail or use the TUownCloud (internal) or the TUproCloud (if you want to share content with people outside the TU) for joint administration (if required).

Recommendation: The TU.it offers different mailing lists, in which also TU-external addresses can be integrated and into which existing lists can be imported. There are various options for unsubscribing from the mailing list, and it is also possible to unsubscribe yourself. Information about this can be found here: <https://www.it.tuwien.ac.at/services/kooperation-und-kommunikation/e-mail-und-kalender/maillinglisten>.

Please note that you may be required to conclude a processing agreement with companies that you involve in the handling of events if these companies process personal data on your behalf. In these cases, contact the Data Protection and Document Management department, which will assist you in drawing up the contract or clarify whether such a contract is necessary.

2.3 Which personal data may be processed in principle?

For conferences, meetings and seminars

- Name,
- Academic degree,
- Address,
- Institution,
- Research area (if required),
- Telephone number,
- E-mail,
- Gender,
- Citizenship (if required),
- passport number (if required),
- special dietary requirements (if required),
- Hotel booking information (if required),
- Credit card guarantees (if required),

- Honorarium data (speaker) ⁸ (if required).

For sponsorships, graduations, emeritus ceremonies and golden diploma:

- Name,
- Academic degree,
- Address,
- Matriculation number (if required),
- Telephone number,
- E-mail,
- Gender.

For honors:

- Name,
- Academic degree,
- Address,
- Telephone number,
- E-mail,
- Gender.

For various TU internal events (e.g., continuing education, Christmas parties, etc.):

- Name,
- Academic degree,
- Address,
- telephone number,
- E-mail,
- Gender.

Please note that data of employees of the TU Wien may be processed if the processing concerns the employment relationship of the employee. If you feel that this list is incomplete, please send your requests for additions to datenschutz@tuwien.ac.at.

2.4 Handling of the event

2.4.1 On site registration

The registration on site can be handled as before. Name badges including the name of the organization for which the participant works may be handed out. Make sure that no lists with personal data (except registration lists) are publicly accessible.

If no on-site registration of visitors is planned for the event (e.g. for guests of a graduation), the Department Real Estate and Facility Management must be informed by means of a sign that photographs will be taken during the event.

2.4.2 Photographing and Recording Events

Since photos are personal data, they are also affected by the GDPR. In addition, there is also Section 78 of the Austrian Urheberrechtsgesetz, which regulates the right to one's own image.

If photographs are taken at an event, a notice must be placed on the invitation and on the guide signs at the event location stating that photographs will be taken. At events where the venue allows, an area should be set aside where photography will not take place.

In the "Kuppelsaal", it is recommended that this "photo-free zone" be set up at the back of the bench (on the opposite side, depending on which side the entrance is coming from, so that it can be photographed without restriction). If the bench is not accessible (e.g. due to a catering event), it is sufficient to reserve a maximum of 5 chairs for it.

⁸ Selection depending on the type of event.

In the "Festsaal", 3 chairs are to be reserved as a "photo-free zone" (a higher number only if required, otherwise there may not be enough seats available).

At smaller official events, the respective photographer is to ask the guests whether they agree to be photographed before taking the picture. This verbal consent is sufficient for lack of practicable alternatives.

If an event is streamed live, the participants must be informed of this fact. We recommend the application lectureTube⁹.

For conferences with a large number of participants, the following procedure is recommended:

When registering on site, two different colored lanyards will be handed out:

- Blue = taking photos is fine;
- White = basically does not want to be seen on any photos;

What must be accepted, however, are photos into the group, in order to be able to document the event itself. When the lanyards are issued, the following information should be attached:

„Please select a blue lanyard if you have no objection to being photographed. During (name of the conference) the official photographer will be onsite and taking photographs of attendees at both working sessions and during social times. In addition, many participants engage in photography as a hobby and enjoy taking photos during the meeting.

Please note that we expect all photographers – official and amateur – to act respectfully when taking photographs of attendees. If you feel that someone is acting disrespectfully, please contact (name of person to contact)“

„If you do not want to be photographed during the meeting or at social events of this meeting, please wear a white lanyard.

The white lanyard indicates:

- You do not want to be individually photographed by either professional or amateur photographers
- You do not want to be included in small group photos taken by professional or amateur photographers

Please note that photos of large groups may contain incidental images of attendees in white lanyards which the (name of the organisation) will not attempt to redact. In addition, individuals wearing white lanyards will still be included in official video recordings.“

For example, this could be implemented as follows:



⁹ For details please see: <https://tsc.tuwien.ac.at/lecturetube>

In principle, it can be assumed that the TU Wien may document events by means of photography on the basis of § 3 Z 11 Universitätsgesetz (UG) for the purpose of informing the public about the fulfillment of the tasks of the university. However, the right to one's own image pursuant to Section 78 Urhebergesetz UrhG must still be observed.

2.4.3 Frequently asked questions related to photos

Is it allowed to take photos at an official event in the Kuppelsaal of the TU Wien without asking for consent?

Yes, by adults, during the official part of the event. There is a legitimate interest of the TU Wien to document events. Participants must be informed of this in the invitation and/or on site (by means of discreet signage). If possible, photos of children should not be taken, as the consent of their legal guardians must be obtained.

May photos of an official event in the Kuppelsaal of the TU Wien be published?

Yes, photos of adults taken during the official part of the event, as there is a legitimate interest of the TU Wien in this case as well. However, the planned publication must be pointed out and the participants must be informed about the rights of the persons concerned.

May photos be taken and published at an internal event, e.g. of an institute or during an excursion, without obtaining consent?

Photos may be taken during the official part of the event. However, they may not be published without the consent of the persons photographed. Furthermore, the photos may only be made accessible - exclusively to the participants - via a protected website or similar (e.g. TU Cloud). If the photos are to be published on the institute's website, for example, the (written) consent of the persons photographed must be obtained. Please note that this consent can be revoked at any time and that this revocation must be complied with!

May photos of employees be published on a website?

Regarding the publication of a TISS photo, employees themselves decide whether they want to upload a photo or not. If such a photo is uploaded, it may only be used for purposes of the TU Wien website. According to §2h Abs. 1 Z. 1 lit a und b Forschungsorganisationsgesetz (FOG), employees who are in a valid employment relationship may be mentioned by name with a photo and a list of their publications on a website of the scientific institution or in the context of publicly accessible reports of the scientific institution, whereby the publication of a photo can be objected to at any time. Please note that this objection must be followed!

Photos that are taken for personal, i.e. private use, are not affected by the GDPR! If, for example, photos are taken by relatives to commemorate the graduation, this is permitted in any case¹⁰.

Image and video recordings may only be stored as long as there is a legal basis and a purpose for the processing of data. If these cease to exist, the recordings must be deleted.

With regard to the use of photos in presentations, for example as part of courses, and the publication of photos on social media platforms, copyright aspects must also be taken into account. The use of photos in presentations is permitted as long as the presentation is not publicly accessible. If the presentation is to be published, the permission (permission to use) of the photographer must be obtained or the image must be removed from the presentation.

The same applies to the use of images on websites or social media platforms. Here, too, permission for use must be obtained.

Caution is advised with so-called stock photos¹¹ from platforms such as Getty Images or Thinkstock, which are often used for editorial and commercial purposes. In order to use such images, you need a user account with the stock photo platform. Via this account, one can purchase licenses for corresponding photos for a fee. When using such photos, it is important to carefully read the rights of the purchased licenses, as it may happen that the consent of the persons depicted is not included

¹⁰ Cf. State Commissioner for Data Protection and Freedom of Information Baden-Württemberg: Unsere Freiheiten: Using Data - Protecting Data. Photography and Data Protection. Compact and practice-oriented. Stuttgart 2019. p4f. <https://www.baden-wuerttemberg.datenschutz.de/wp-content/uploads/2019/09/Fotografieren-und-Datenschutz-September-2019.pdf> (last accessed Nov. 19, 2021).

¹¹ Note: according to wikipedia, these are photos that are produced in advance. The pre-produced images are usually sold via photo agencies.

in the license. This must then be obtained separately. Furthermore, the further processing of images is often not permitted¹².

Representations of public figures and contemporary history are an exception in copyright law. Such photos may be used without the permission of the persons depicted, although it is recommended to use official pictures of the persons.

Please note that the use of GIFs and memes taken from the Internet carries a certain risk, as there is a threat of claims for damages from photographers, film studios and other rights holders!¹³

2.4.4 Catering and various other services

If you engage other service providers for your event (e.g. caterers or sound and lighting technicians), you should consider whether they need to be provided with personal data in order to fulfill their task.

In the case of caterers, for example, it may be necessary to provide them with health data (food intolerances) or data on the basis of which one could infer the religious affiliation of the participant. Such data should always be anonymized, if possible. Since such data are considered special categories of personal data, the personal disclosure requires the consent of the respective participant. The caterer would be obligated to treat this data confidentially or to destroy it after the event (if the data is transmitted anonymously, this obligation does not apply).

2.5 Post-processing and deletion of data

Data transmitted to you for the purpose of processing the conference may in any case be stored for as long as it is necessary, i.e. for as long as there is a corresponding purpose. For example, once the billing has been completed, all credit card data must be deleted. Data that must be stored for a longer period of time due to legal requirements may not be deleted.

2.6 Passing on data to third parties

If data is passed on to third parties, e.g. to a catering company, hotels or the post office, this must be stated in the data protection information. Data may only be passed on to companies that are named in the information and that are directly or indirectly involved in the handling of the event. Please ensure that data is only transferred within the European Union if possible. If data transfers to a country outside the European Union are planned, check whether one of the following conditions is met:

- the EU Commission has determined an adequate level of protection for the third country, such as for Andorra, Argentina, the Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, Canada, Japan, New Zealand, the United Kingdom and Switzerland,
- the data transfer is based on standard contractual clauses approved by the EU Commission¹⁴,
- the data transfer within a group of companies or a group of companies is based on "Binding Corporate Rules" that have been approved by the relevant supervisory authorities,
- the data transfer goes to a company that has subjected itself to European rules of conduct or has certification,
- there is an individual approval by the responsible supervisory authority,
- there is consent from the data subject,
- there is an exceptional circumstance according to Art. 49 (1) sentence 1 b - g DSGVO (e.g. for contract fulfillment),
- the scope of the data transfer is manageable and there are compelling legitimate interests of the data controller.

If it is a transfer to the USA, it must be checked whether the prerequisites for a transfer exist. Please contact datenschutz@tuwien.ac.at for this purpose.

¹² Vgl. J. Baltrusch: Netzwelt. Urheberrecht bei Bildern. So bist du auf der sicheren Seite! Blogbeitrag aus 2018. In: <https://www.unicum.de/de/entertainment/netzwelt/urheberrecht-bei-bildern> (last accessed on 19.11.2021)

¹³ Vgl. Schoeller et. al.: Datenschutz im Marketing. Wien 2019. S. 30f.

¹⁴ See: https://ec.europa.eu/info/law/law-topic/data-protection/publications/standard-contractual-clauses-controllers-and-processors_de ! (last accessed 11/19/2021). Attention, the wording should not be changed under any circumstances. Please inform the Data Protection and Document Management Department (at datenschutz@tuwien.ac.at) if you think or if you are not sure that/if standard contractual clauses are necessary. They will be happy to assist you with the process!

2.7 Which data may be published where?

The names and topics of the speakers may be published to promote the event. This is in the legitimate interest of the organizer and also in the legitimate interest of the speakers.

As a university, the TU Wien has the legal obligation to inform the public about its activities according to § 3 Z 11 UG. Furthermore, in the area of research funding, it is often necessary on the basis of contractual regulations to document events that were held as part of a project.

Accordingly, it seems legitimate to publish photos of events that depict the character of the event. For example, a picture of the audience from the podium can be considered "compatible with data protection"¹⁵.

Please make sure that you only publish photos that are suitable for depicting the purpose of an event or documenting the event. Photos from the official part of an event that go beyond this can be made available to the participants of the event for a predefined period of time via a password-protected TUproCloud folder (a corresponding note can be added to the information about the event).

Example: At the opening of a new laboratory, an employee of the institute takes a photo of the rector with staff members against the background of the laboratory equipment. Provided that none of the persons depicted is portrayed in an unflattering manner, this photo may be published on the website of the laboratory or research institution.

3 Events without pre-registration and participant lists

This includes the following events in particular:

- Exhibitions,
- fairs,
- information events,
- TU Ball, Lange Nacht der Forschung and the like.

If photographs are taken at such an event, this fact must be pointed out. Here, too, the respective photographer must ask the guests whether they agree to be photographed before taking the picture. Verbal consent is sufficient in the absence of practicable alternatives.

Chapters 2.1 Invitations and 2.7 What data may be published where? apply mutatis mutandis.

If photographs are taken at such an event, this fact must be pointed out. Here, too, the respective photographer must ask the guests whether they agree to be photographed before taking the picture. Verbal consent is sufficient in the absence of practicable alternatives.

Chapters 2.1 Invitations and 2.7 What data may be published where? apply mutatis mutandis.

¹⁵ On this point, A. Hildebrand: Abbildung von Personen bei künstlerischer Street Photography, ZUM 2016, 305, 310. In: T. Höhne: DSGVO und Digitalfotografie. In: Journal of Information Law 6. 2018. 248. Available on TU-net at: <https://elibrary.verlagoesterreich.at/journal/ziir/6/3> : In addition to the legal bases mentioned above, legitimate interest can also be argued here: because it is sometimes in line with social and cultural expectations that photos are taken in the context of events (cultural events, company receptions, etc.) and archived as a souvenir or published as part of a report on the event. At issue here is the social sphere (vs. privacy) of the individuals involved. Provided the photographs are taken with the appropriate tact and sensitivity to where the highly personal sphere of those photographed is already being invaded. There is no individual right to prevent others from knowing that one was at a certain place at a certain time.

3.1 Special case: Events with children as participants

Before processing personal data of children, the consent of a parent or guardian must be obtained in any case (the Austrian Data Protection Act provides for the age limit of 14 years). If, for example, entire school classes participate in an event and the processing of personal data at the TU Wien is required for the event, the consent of the parents must be obtained in advance via the school. Chapter 2.7 What data may be published where? also applies here mutatis mutandis.

4 Sponsoring of events

At many events, there is a sponsor who may be involved in the handling of the event and to whom personal data must be transferred.

From the perspective of the data subjects, the sponsor of an event is a third party to whom personal data is transferred.

In general, if there is a clear connection to the tasks of the TU Wien in the case of events organized by and with sponsors, these events may be advertised by the TU Wien.

If the event is to be photographed or filmed and the image material is used by the sponsor for its own advertising purposes, the consent of the participants must be obtained. Depending on in whose name the recordings are made, the data owner is responsible for compliance with data protection. If the recording is made on behalf of the sponsor, the sponsor is responsible for data protection. In this case, the TU Wien as the organizer must inform the participants about the recordings and support the sponsor in collecting the consents.

It is important that the participants in an event (but also, for example, in a competition) can find out in an easily accessible form which personal data are processed. This can take the form of detailed data protection information, for example¹⁶

Example: The establishment of a laboratory was carried out in cooperation with the company XY, which also offered a grant in the amount of € 5,000 for diploma theses in a certain research area. The institute is allowed to send an invitation to the opening ceremony to students, employees and potential interested parties (e.g. the principal of a nearby high school, the district council, etc.), at which important research results are also presented. In addition, students in the relevant masters program may be informed about the announcement of the grant.

Not permitted is the transmission of advertising for the product ABC of the company XY.

Please note: if a third party rents an event room at the TU Wien, this third party is also responsible for compliance with data protection.

5 Recommended IT applications

Mailing lists: Service of TU.it: <https://www.it.tuwien.ac.at/services/kooperation-und-kommunikation/e-mail-und-kalender/maillinglisten>

Tool for joint editing of files with external project partners: <https://www.it.tuwien.ac.at/tuprocloud/>

Tool for joint editing of files with TU employees: <https://www.it.tuwien.ac.at/owncloud/>

Tool for appointment coordination: <https://www.termimo.gv.at/meet/de>

¹⁶ Examples can be found here: <https://www.tuwien.at/tu-wien/organisation/zentrale-bereiche/datenschutz-und-dokumentenmanagement/datenschutz/dokumente>.

For secure e-mail communication the TU Wien provides the following service: <https://www.it.tuwien.ac.at/services/kooperation-und-kommunikation/e-mail-und-kalender/uptodate-e-mail-u-kalender-f-mitarb/sicheres-e-mail/tu-wien-secure-e-mail-gate-way>

For streaming events the TU Wien offers the following service: <https://teachingsupport.tuwien.ac.at/lecturetube/>

APPENDIX 1 - DATA PROTECTION INFORMATION FOR PARTICIPANTS OF CONFERENCES, MEETINGS AND SEMINARS OF THE TU WIEN

Data protection and its safeguarding are important concerns of the TU Wien. Personal data is processed in strict compliance with the principles and requirements set forth in the GDPR¹⁷ and the Austrian Data Protection Act¹⁸. The TU Wien processes only those data that are necessary to achieve the intended purposes and always strives to ensure the security and accuracy of the data.

Responsible:

Rectorate of the TU Wien
Karlsplatz 13
1040 Wien

Data Protection Officer:

Christina Thirsfeld
TU Wien
Karlsplatz 13/018
datenschutz@tuwien.ac.at

The following data are processed during this data processing¹⁹

- Academic degree
- Name
- Institution
- Phone number
- E-mail address
- Gender, sex
- Citizenship
- passport number
- special dietary requirements
- hotel booking details
- credit card guarantees
- Honorarium data (speaker)

The data will be collected directly from you.

Legal basis for data processing:

This use of personal data is based on Article 6 (1) c (legal obligation) and e (performance of a task in the public interest) DSGVO in conjunction with. § 3 Z 7 Universities Act 2002 ("Support of national and international cooperation in the field of scientific research and teaching as well as the arts").

Categories of recipients²⁰ of personal data:

¹⁷ EU General Data Protection Regulation

¹⁸ Data Protection Act

¹⁹ Selection depends on the data processed.

²⁰ The paragraph "Categories of recipients of personal data" is to be filled in by organizers. If no data is transferred to third parties, this must be indicated.

Your personal data will be forwarded to the following recipients who are directly involved in the event process and if the organizational process makes this necessary, on the basis of the legal provisions or contractual agreement:

- Hotels²¹
- Printing house
- Promotion of the event in newsletters or on posters
- Caterer
- other conference topics
- ...

Purpose of data processing:

We collect your personal data for the processing and transmission of data for the organization and administration of events and conferences.

Promotion of the event with personal data:

Personal data (name, employer, photo) of designated persons, for example speakers and participants in a panel discussion, are published for the purpose of promoting the event.

Data processing for the purpose of managing and/or transmitting contact details to other participants:

In order to fulfill the purpose of conferences, meetings and seminars (the exchange within the scientific community), contact data may be transmitted or processed in volumes that are only accessible to the participants.

Data processing for the purpose of abstract submission:

It is not possible to submit your scientific work to the event in question without collecting, storing and processing your personal data. This is done solely for the purpose of organizing and conducting the event. Your data will only be passed on to third parties who are directly involved in the event and if the organizational process makes this necessary (e.g.: Scientific Committee Organizing Society, Reviewer, Publisher).

Data processing for the purposes of administration and security of the system:

Due to the applicable legal data security regulations, a number of your data are processed for the administration and security of the system, such as for the administration of user identifiers, the allocation of hardware and software to system users, and for the security of the system. This includes automatically created and archived text documents (such as correspondence) in these matters. Without this data processing, secure operation of the system is not possible.

Pictures / Films:

In the course of the event, pictures and films are made, for which we need your consent. The images and films will be used for marketing purposes (event reports, promotion of follow-up events & self-marketing) and documentation purposes. If you do not agree to any use of these images / films you can contact us at any time at vorname.nachname@tuwien.ac.at²². We will provide special areas where neither photography nor filming will take place.

Transfer to a third country:

- No third party companies operate outside the EU.
- The following third party companies do not operate in the EU⁶:

Storage period:

We store your data for the processing of the event and beyond, as long as legal retention periods exist or as long as legal claims can be asserted against the TU Wien or as long as consent has been granted for this purpose.

Your rights in connection with personal data:

As a data subject of this data processing, you have the following rights vis-à-vis the TU Wien:

- Right to information
- Right to rectification

²¹ To be selected by the organizers, depending on to whom data is transmitted.

²² To be completed by the organizers.

- Right to deletion
- Right to restriction of processing
- Right to data portability
- Right to object

Right of revocation according to Art. 7 DSGVO:

Depending on your "category of person", we ask you for various consent forms. These are requested within the online registry or directly from the data subject/group coordinator/company representative.

Each data subject has the right to revoke his/her given consent(s) at any time in writing by email to vorname.nachname@tuwien.ac.at⁶. The revocation of the declaration of consent shall not affect the lawfulness of the processing carried out on the basis of the consent until the revocation.

Right of complaint

If you believe that the processing of your data violates data protection law or that your data protection rights have otherwise been violated in any way, you may submit a complaint to the Austrian data protection authority (<https://www.dsb.gv.at/>).

APPENDIX 2 - CONSENT TO DATA PROCESSING FOR A NEWSLETTER²³

I agree that the personal data provided by me may be used for the purpose of informing me about

- Events of the TU Wien²⁴
- Courses and seminars of the TU Wien
- ...
- ...

...may be processed.

I consent to the sending of information via e-mail to the following address
_____.

I may revoke my consent at any time in accordance with Article 7 (3) of the General Data Protection Regulation.

Wien, _____

Signature of the person giving consent

Information requirements for newsletters:

The protection of your personal data is of particular concern to us. We therefore process your data exclusively on the basis of the statutory provisions. In this data protection information, we inform you about the most important aspects of data processing.

Rights of the data subjects

In accordance with the GDPR, you are entitled at any time to receive information about the personal data stored about you and to request the correction, deletion and restricted use of your personal data.

²³ The sending of a newsletter can be lawful due to a legal obligation according to the Universitätsgesetz 2002 or due to a consent. A digital solution (reply to the mail, clicking on the checkbox) is optimal for giving consent, in particular the so-called "double opt-in" is recommended, in which the indication of the consent is required as well as the indication of the e-mail address.

²⁴ The checkboxes in the text can be customized as needed for the particular newsletter.

In addition, you can exercise your right to object at any time without giving reasons and amend or completely revoke the declaration of consent given with effect for the future. You can send the revocation either by post or by e-mail (xxx PLEASE INSERT xxx).

Data storage

The TU Wien processes the following categories of personal data within the scope of the data processing in question: First name, last name, e-mail address

The data processing is carried out on the basis of the legal provisions of § 96 para 3 Telekommunikationsgesetz (TKG) as well as Art 6 para 1 lit a (consent) and/or lit b (necessary for the fulfillment of the contract) and/or lit c (due to a legal obligation) of the GDPR.

Passing on to third parties

The data will not be passed on to third parties.

APPENDIX 3 - COPYRIGHT LAW

The Urhebergesetz (and in particular Section 78 UrhG) can be seen as a special norm in relation to the provisions of data protection law and protects the peculiar intellectual creation of a person who creates works of literature, music, graphics, photography or cinematography.

The more specific legal norm takes precedence over the less specific one. However, whether copyright law or data protection law is invoked in a specific case makes a difference insofar as copyright law relates to the dissemination of photos, while data protection law starts with the taking of the photo and thus questions whether a photo may be taken at all²⁵.

It should also be noted that not only images but also films are protected by likeness protection. This protection of likeness is intended to protect everyone against misuse of their image in public. No one may be exposed by the dissemination of their image. Furthermore, no one's private life may be disclosed to the public or a portrait may be used in a way that could give rise to misinterpretation or have a derogatory or disparaging effect.

The possibility of misinterpretation is sufficient for the assumption of a violation of legitimate interests. Such misinterpretations are excluded, however, if the publication concerns portraits of persons taken at generally accessible places or at places of current events, provided that their portrayal cannot be separated from the event or is necessary for its portrayal; this, in turn, only under the further condition that the publication of the photographs served the portrayal of these places or of the current event²⁶. A publication is unlawful only if it violates the legitimate interests of the person depicted²⁷.

In the event that a photograph is to be regarded as a work or art, it is protected by copyright. The author of a photo is always the photographer, who can, however, grant third parties the right to use the work. If a photographer has been commissioned and paid for photographs, the client may use the photographs in the absence of other agreements within the "usual" framework²⁸.

²⁵ Vgl.: Höhne: DSGVO und Digitalfotografie. In: Zeitschrift für Informationsrecht 6. 2018. 248. Available on TU-net at: <https://elibrary.verlagoesterreich.at/journal/ziir/6/3>

²⁶ Vgl.: A. Kodek, in: G. Kucsko, Ch. Handig (Hg.): Kommentar zum Urheberrechtsgesetz. Wien 2017. S. 1289.

²⁷ Vgl.: M. Frick: Persönlichkeitsrechte. 111. In: A. Kodek, in: G. Kucsko, Ch. Handig (Hg.): Kommentar zum Urheberrechtsgesetz. Wien 2017. S. 1289.

²⁸ Vgl.: <https://www.saferinternet.at/faq/urheberrechte/wem-gehoren-fotos-dem-abgebildeten-oder-dem-fotografen/> (last accessed 11/19/2021).



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