

Duty to provide information in line with Articles 13 and 14 of the GDPR

Current privacy provisions in the wake of the EU General Data Protection Regulation and the amendments to the German *SGB X* welfare laws

Information on data processing pursuant to Articles 13 and 14 GDPR

Personal data are processed only to the extent necessary and in compliance with the law, in particular the provisions of the European Union's General Data Protection Regulation (GDPR) and Germany's *UVG* child support and *SGB* welfare legislation.

1. Data controller

The role of controller of personal data for the purposes of enforcing the Child Support (Advance Payments) Act (*UVG*) is assigned to *LaFin*, the 'North Rhine-Westphalia Bureau for Finance', represented by the Director, Georg-Glock-Strasse 15, D-40474 Düsseldorf (hereinafter referred to as '*LaFin NRW* or 'we') in accordance with the EU General Data Protection Regulation (Article 4 (7)).

2. Your point of contact for privacy issues

Please feel free to turn to the *LaFin* Director for any query that might arise

in relation to the processing of your personal data and the protection of your rights under the GDPR. You can also address your queries to our agency's data protection officer.

Contact details:

Landesamt für Finanzen NRW, Georg-Glock-Strasse. 15, D-40474 Düsseldorf,

E-mail: Poststelle-5014@fv.nrw.de,
Telephone: 0211-8222 0;

Landesamt für Finanzen NRW, Data Protection Officer/Datenschutzbeauftragte, Erkrather Strasse 339,

D-40231 Düsseldorf, e-mail:
Datenschutzbeauftragte_LaFin@fv.nrw.de.

Please note that unencrypted e-mails can easily intercepted and read by third parties. We are normally not able to quickly verify who you are and who is behind an e-mail address. For this reason, there can be no e-mail-based communication that would stand up in court. We therefore recommend that you send sensitive information via traditional post or electronically encrypted channels.

3. Purpose and legal authority

Processing your personal data enables us to carry out the tasks assigned to us by law, most notably the *UVG* Act.

Personal data are processed with a view to asserting and enforcing the claim to child support (against the non-custodial parent) transferred to the state under Section 7(1) of the UVG Act and, in some cases, to deal with reimbursement claims towards social security institutions as well as for use by Federal or State auditors.

Your data are processed on the basis of Articles 6(1)(c), 9(2)(f) of the GDPR read with Section 68(14) of the *SGB I* regulations, ss 67(2)(1), 67a et seq. of *SGB X*, ss 1, 2, 4-7 of the *UVG Act*.

Under s 6(1) of the *UVG Act*, you are required to give us any information we might need to implement the Act.

4. Categories of personal data

These are the categories of your data we process:

- a) Master data, including contact details:

File reference number, family and given name of child and both parents, details of spouse and/or partner, sex, date and place of birth, postal address, family status, legal status of parent-child relationship, nationality/citizenship, immigration status, national insurance number,

telephone number, e-mail address, bank details.

- b) Data we require to recoup child support payments:

Proof of income and/or assets, bank details, duration, amount and type of benefits, data relating to school and vocational education, employment details, child care details, information as to child support or compensation claims, data relating to health insurance, superannuation, care insurance or any outstanding payments, details of job-related expenses, medical data.

5. Recipients or categories thereof

With a view to carrying out the tasks assigned to us by law, we may transmit the data specified under No. 4 to these third parties:

Other social security institutions (such as *DRV* pension fund, health insurers, Jobcentre, Federal Employment Service), Inland Revenue, courts, other third parties such as local councils, guardians, Federal Government (Family, Women, Youth and the Elderly; Work and Social Affairs; Home Affairs; Justice and Consumer Protection; Central Tax

Office *BZSt*; Federal Office of Justice *BfJ*; Central Audit Office), State Audit Office, Federal Bureau for Migration and Refugees, Ministry of Finance of the State of North Rhine-Westphalia, NRW Ministry for Children, Family, Refugees and Social Integration, liquidators, Youth and Family Services Institute (*DIJuF*), Alien Registration Offices, contractors (e.g. scanning services or IT service providers), external research institutes (subject to approval from Federal Ministry for Family, Women, Youth and the Elderly), employers, host employers, insurance companies. Personal data may also be transmitted to local, state or Federal agencies such as council registration offices, companies registers or land registry offices.

6. Data retention

We will not keep your personal data for longer than we need it to carry out our tasks under the *UVG Act*, i.e. until the recovery of payments from the child support debtor is completed or the statute of limitations runs out. Until then, you have no right to get your data deleted.

7. Data subject rights

You are entitled to be **informed** about our collection and use of your personal data (GDPR, Article 15). If the data we hold about you are inaccurate or incomplete, Article 16 of the GDPR gives you the right to request that we **correct** and/or amend these data without delay. You are entitled to erasure of your data within the scope of Article 17 GDPR. Where the requirements of Article 16 GDPR, read with Section 84(3) of the *SGB X* regulations, are met, you may request **restriction of processing**. This is an option in the event that we no longer need your data whilst they are important to you for the establishment, exercise or defence of legal claims and deletion would damage your compelling interests.

8. Data collection from third parties/other agencies

supervisory authority,
Landesbeauftragte für Datenschutz und Informationsfreiheit des Landes NRW,

With a view to carrying out the tasks assigned to us under the UVG Act, we may request, in line with Article 6(1)(c), Article 3 and Article 9 GDPR read with ss67a et seq. SGB X and Section 6(2,5,6) UVG and other provisions, that other public or private-sector entities provide us with personal data, including but not limited to:

Other social security institutions (such as *DRV* pension fund, health insurers, Jobcentre, Federal Employment Service), local tax offices, courts, other third parties such as local councils, Federal Central Tax Office, Federal Bureau for Migration and Refugees, Federal Office of Justice, Alien Registration Offices, other parent, guardian, power of attorney holders, care personnel, (host) employers, insurance firms, education or training providers. We may also obtain personal information from the public domain, e.g. Internet, address registers, companies register, land registry etc.

9. Right to lodge complaints

With regard to potential infringements of your civil or privacy rights as a result of the processing of your personal data, you are free to file a complaint with our