

Data protection information on the processing of personal data pursuant to Art. 13 f. General Data Protection Regulation (GDPR)

The purpose of this privacy notice is to provide information about the processing of personal data associated with the medical examination required for school entrance.

1. Name and contact details of the controller

Verantwortlich für die Datenerhebung ist das Landratsamt Landshut – Gesundheitsamt – Achdorfer Weg 7,
84036 Landshut, Tel. 08703/9073-7000; gesundheit@landkreis-landshut.de

2. Data protection officer

Behördlicher Datenschutzbeauftragter des Landratsamtes Landshut – Josef-Neumeier-Allee 1, 84051 Essenbach,
Tel. 08703/9073-2912; datenschutz@landkreis-landshut.de

3. Purposes and legal bases for the processing of personal data

In order to prepare and conduct the medical examinations required for school entrance we process personal data, including health data within the meaning of Art. 9 GDPR, for the following purposes and on the basis of the legal grounds stated:

- a) Your contact details are processed in order to invite you and your child to the medical examination required for school entrance and to ensure that your child's examination is carried out. Legal bases for the data processing are Art. 6 para. 1 subpara. 1 lit. c and e, Art. 9 para. 2 lit. i GDPR in conjunction with section 14 of the Registration Data Ordinance (MeldDV) in conjunction with Art. 12 of the Health Services Act (GDG) and Art. 80 of the Bavarian Law on Education and Teaching (BayEUG).
- b) In the course of your child's medical examination, personal data of your child, including health data, will be processed by the responsible health office on the basis of Art. 6 para. 1 subpara. 1 lit. c and e, Art. 9 para. 2 lit. i GDPR in conjunction with Art. 80 BayEUG, Art. 12 GDG, Art. 15 GDG in conjunction with Art. 27 para. 1 s.1 no. 1 GDG, sections 20, 34 of the Infection Protection Act (IfSG). Insofar as personal data of the legal guardians is affected for the purpose of determining the child's developmental stage, the data processing is also carried out on the basis of the above-mentioned legal bases.
- c) In the scope of your child's medical examination, certain socio-demographic information is processed if you consent to the processing of this data in accordance with Art. 6 para. 1 subpara. 1 lit. a GDPR. The consent is voluntary. You can revoke this at any time with effect for the future with the health office responsible for you.
- d) You may voluntarily release the doctor at the health office in writing from the obligation to maintain medical confidentiality, in particular with regard to the processing of health data within the meaning of Art. 9 para. 1 GDPR, and consent, pursuant to Art. 9 para. 2 lit. a of the GDPR, that he or she may talk to a person designated by you (e.g. the kindergarten teacher) about the conclusions discussed with you from your child's medical examination, so that these can be taken into account in the daily interaction with your child or in the context of further treatment. You can revoke your consent to the release of confidentiality at any time with effect for the future with the health office responsible for you.

4. Storage period of personal data

After being collected by the health department, the personal data will be stored for as long as is necessary for the respective task fulfillment within the scope of school health care, taking into account the statutory retention periods. The regular retention period for medical records is 10 years. In individual cases, longer retention periods may be necessary. The personal data will be deleted after expiration of the legal retention periods.

5. Recipients of personal data

- a) If the medical examination required for school entrance is refused in whole or in part, a notification is made to the responsible youth welfare office with details of the child's name, address and date of birth, as well as the reason for the notification. The legal basis for the data transfer results from Art. 6 para. 1 subpara. 1 lit. c and e, Art. 9 para. 2 lit. i GDPR, Art. 5 para. 1 s. 1 no. 1 Bavarian Data Protection Act (BayDSG) in conjunction with Art. 12 para. 3 s. 3 GDG, Art. 80 BayEUG.
- b) If the public health authorities become aware of substantial evidence that the welfare of a child or adolescent is at risk, they shall immediately involve the relevant youth welfare office and provide the child's name, address and date of birth, as well as the reason for the report. The legal basis for reporting to the youth welfare office is derived from Article 6, paragraph 1, subparagraph 1, lit. (c) and (e), Article 9, paragraph 2, lit. (i) of the General Data Protection Regulation (DSGVO), Article 5, paragraph 1, sentence 1, point 1 of the Bavarian Data Protection Act (BayDSG) in conjunction with Article 11, paragraph 1,

sentence 3 of the Public Health Service Act (GDG), and Article 80 of the Bavarian Law on Education and Teaching (BayEUG).

- c) Doctors are obliged to report immediately to the youth welfare office any substantial evidence of mistreatment, neglect or sexual abuse of a child or adolescent that comes to their attention in the course of their professional practice, providing the necessary personal details (the child's name, address and date of birth, as well as the reason for the report). The legal basis for reporting to the youth welfare office is derived from Article 6, paragraph 1, subparagraph 1, lit. (c) and (e), Article 9, paragraph 2, lit. (i) of the General Data Protection Regulation (DSGVO), and Article 5, paragraph 1, sentence 1, point 1 of the Bavarian Data Protection Act (BayDSG) in conjunction with Article 15, paragraph 1 of the Public Health Service Act (GDG).
- d) Within the framework of a peer-to-peer exchange amongst medical professionals, doctors are authorised to disclose information entrusted to them or which has come to their attention if this gives rise to indications that minors are affected by physical, psychological or sexual violence or neglect. The legal basis for this exchange among colleagues is derived from Article 6, paragraph 1, subparagraph 1, lit. (c) and (e), Article 9, paragraph 2, lit. (i) of the General Data Protection Regulation (DSGVO), and Article 5, paragraph 1, sentence 1, point 1 of the Bavarian Data Protection Act (BayDSG) in conjunction with Article 15, paragraph 2 of the Public Health Service Act (GDG).
- e) The school management of the school at which compulsory school attendance is fulfilled or expected to be fulfilled will be informed after hearing the guardians of the necessity of attending a pre-course in German, of findings that require individual support in schooling and of illnesses that may require immediate medical intervention or medical measures at the school. For this purpose, in addition to the information required in each case, the surname, first name, address, date of birth of the child and date of examination are transmitted. The legal basis for the data transfer results from Art. 6 para. 1 subpara. 1 lit. c and e, Art. 9 para. 2 lit. i GDPR, Art. 5 para. 1 s. 1 no. 1 BayDSG in conjunction with Art. 12 para. 2 s. 1 GDG.
- f) The health offices transmit the data from the medical examination to the State Office for Health and Food Safety (LGL) in anonymised form for statistical evaluation. The LGL receives socio-demographic data such as the child's date of birth and sex, the 4-digit postal code of the place of residence, the data from the medical history form (with the exception of data on names and addresses), information on which early detection examinations and vaccinations were carried out, and the results of the medical examination required for school entrance. The anonymized data are analyzed in the LGL and published anonymously in report form. The legal basis for the data transfer results from Art. 6 para. 1 subpara. 1 lit. c and e GDPR, Art. 5 para. 1 s. 1 no. 1 BayDSG in conjunction with section 11 Bavarian School Health Care Act (SchulgespfIV).
- g) The socio-demographic data processed on the basis of your voluntary consent are transmitted to the LGL in anonymized form. If you revoke consent before it is provided to LGL, this data will not be provided to LGL. If you revoke your consent after it has been transmitted to the LGL, it is possible that your data has already been merged with other data and evaluated anonymously and therefore a revocation can no longer be implemented.

6. Your rights

If your personal data and those of your child are processed, you have the right to obtain information about the data stored regarding you and your child from the health authority responsible for you (Art. 15 GDPR).

If inaccurate personal data are processed, you have a right to rectification (Art. 16 GDPR).

If the legal requirements are met, you may request the deletion or restriction of processing (Art. 17 and 18 GDPR).

If you have consented to the processing or if there is a contract for data processing and the data processing is carried out with the help of automated procedures, you may have a right to data portability (Art. 20 GDPR).

You have the right to object at any time, on grounds relating to your particular situation, to the processing of your data if the processing is carried out solely on the basis of Art. 6 para. 1 lit. e or f GDPR (Art. 21 para. 1 s. 1 GDPR).

If you have consented to the processing and the processing is based on this consent, you can revoke the consent at any time for the future. The legality of the data processing carried out on the basis of the consent until the revocation is not affected by this.

7. Right of complaint to the supervisory authority

Furthermore, there is a right of appeal to the Bavarian State Commissioner for Data Protection. You can reach this person under the following contact details:

Postal address: Postfach 22 12 19, 80502 München
Address: Wagnmüllerstraße 18, 80538 München
Phone: 089 212672-0
Fax: 089 212672-50
E-mail: poststelle@datenschutz-bayern.de
Internet: <https://www.datenschutz-bayern.de/>