

General Information on Data Processing pursuant to the North Rhine-Westphalia Correctional System Personal Data Protection Act

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1. Who is responsible for data processing within the law enforcement authority and whom can you contact?

The responsible authority for the processing of your personal data is the respective law enforcement authority that decides on the purposes and means of the processing of personal data. The contact information of the law enforcement authority from which this information sheet originates is as follows:

Justizvollzugsanstalt Essen, Krawehlstraße 59, 45130 Essen

In addition, you can contact the **Data Protection Officer(s)** on all matters relating to our processing of your personal data and the exercise of your rights in this regard. You can reach the Data Protection Officer(s) using the same contact information as the responsible law enforcement authority. In order to write to the Data Protection Officer personally, "To the attention of the Data Protection Officer" should also be written in the address field. Alternatively, you can send an e-mail to the following address: datenschutz@jva-essen.nrw.de.

The Data Protection Officer is exclusively responsible for data protection issues. She or he is not authorised to give you substantive information about the processing of your request or to provide legal advice.

2. On what legal basis and for what purposes does the law enforcement authority process your data?

Your data will only be processed if there is a legal basis for this or if you have expressly

consented to the processing.

The legal basis for the processing of your data for law enforcement purposes within the meaning of Article 1 Paragraph 1 of Directive (EU) 2016/680 is governed by the North Rhine-Westphalia Correctional System Personal Data Protection Act (Justizvollzugsdatenschutzgesetz Nordrhein-Westfalen - JVoIzDSG NRW), which you can view at www.recht.nrw.de. In addition to the JVoIzDSG NRW, the legal basis for processing that does not serve the purpose of criminal prosecution, law enforcement or averting danger can also be the General Data Protection Regulation (GDPR), which is supplemented by the Data Protection Act of North Rhine-Westphalia (DSG NRW) and the Federal Data Protection Act (BDSG).

In principle, the law enforcement authority only processes your personal data insofar as doing so is necessary for law enforcement purposes. This includes, for example, data processing for the purpose of establishing identity when entering a correctional facility and for the preparation and conducting of prisoner visits.

Your data may also be processed for purposes other than law enforcement if there is a legal basis for the respective data processing. A catalogue of permissible changes of purpose according to which processing for purposes other than law enforcement is permitted to a certain extent can be found in § 12 Paragraph 2 Numbers 1 - 4 of the JVoIzDSG NRW.

3. What special forms of data processing can you encounter within the law enforcement authority?

On the occasion of your contact with a prisoner at the facility here, the law enforcement authority is authorised to carry out special data processing procedures in accordance with the North Rhine-Westphalia Correctional System Personal Data Protection Act. Details can be found in §§ 20, 22, 24, 25 and 32 of the JVoIzDSG NRW.

Security Request

For the purpose of maintaining security, the enforcement authority is entitled to check whether there are any security-relevant findings concerning your person. Information on extremist, especially violence-oriented tendencies or contacts to such organisations, groups or persons is relevant to security. For this reason, the respective correctional authority is entitled in individual cases to request information from the Federal Central Register, the police authorities and the Office for the Protection of the Constitution (§ 21 JVoIzDSG NRW).

You will be informed about the reason for a security request, its scope and the possible legal consequences before the information is obtained.

The prison authority evaluates the information it has received about your person on the basis of an overall assessment of the individual case and decides whether it will not grant you access as a person from outside the prison or whether it will only grant you access subject to restrictions. This applies accordingly if you should refuse a security request.

If a security request deemed necessary cannot be completed in time, access to the

institution may at most be granted provisionally under supervision if this is necessary (§ 21 JVoIzDSG NRW).

Identification Procedure

In addition to the provisions of law enforcement legislation, the law enforcement authority is authorised under § 22

of the JVoIzDSG NRW to establish your identity in order to fulfil its statutory duties. Your entry into the facility may be made conditional on you providing your surname, first name and address for the purpose of establishing your identity and proving this by means of official identification and consenting to the biometric recording of the characteristics of your fingers, hands and face, insofar as factual indications justify the assumption that this is necessary to prevent the interchange of prisoners in individual cases.

Use of Video Technology

In order to maintain the security and order of the facility, in particular to prevent escape attempts and the throwing or dropping of objects on the facility grounds, the grounds and building, including the interior of the building and the immediate vicinity of the facility, shall be monitored by means of video technology or optical-electronic devices (§§ 24, 25 JVoIzDSG NRW).

Processing of Findings from Surveillance and Control Measures

Under the conditions of § 32 of the JVoIzDSG NRW, the law enforcement authority is entitled to process your personal data that may have become known during supervision or monitoring of visits, monitoring of telecommunications, visual inspection or monitoring of correspondence or inspection of the contents of parcels. For example, after interviewing the prisoners, the law enforcement authority may use the information obtained for the purpose of treating the prisoners or, for example, transfer it to the police for the prosecution of possible criminal offences or misdemeanours.

4. Are there special regulations for sensitive data?

Particularly sensitive data (referred to as “special categories of personal data” in the JVoIzDSG NRW), for example, data concerning your religious affiliation or biometric data, is generally only collected and further processed if it is absolutely necessary. This means that there is always a particularly thorough examination of whether the law enforcement authority really needs this particular data.

5. How long will your data be stored?

Your data may be recorded or stored in prisoners’ personal files, gate books, visitor lists and in IT-supported specialist procedures.

The duration of storage is governed by §§ 42, 43 of the JVoIzDSG NRW.

Thereafter, the stored personal data will be deleted insofar as their processing is no longer necessary for law enforcement purposes or other legal purposes.

If deletion of the stored personal data is not possible, for example, because the data must be further processed for evidentiary purposes, the processing of the stored

personal data shall be restricted.

If a security request has been carried out on your person, any related documents or electronically stored personal data will be destroyed or deleted within one year of the completion of the security request, unless you consent to their continued retention.

6. What rights do you have?

If the legal requirements are met in the respective individual case, you have various rights. Details result from §§ 5, 37 to 40, 42 to 44 of the JVoIzDSG NRW and, insofar as the data processing does not concern criminal prosecution, execution of sentences or the prevention of danger, from Articles 15 to 18, 20 and 21 of the General Data Protection Regulation (GDPR).

Right to Notification

If your personal data is collected by law enforcement authorities without your knowledge or transferred for purposes for which it was not collected, you have the right to be notified of what the data includes. However, notification will only be given in those cases of data processing that are not already mentioned in this information sheet.

Right to Information

You can request information about your personal data processed by the law enforcement authority. The Right to Information may be limited by the right of third parties to the protection of their personal data or other conflicting rights. In your request for information, you should specify your request in order to make it easier for us to compile the necessary data.

Right of Access to Files

You may also be granted access to files if the provision of information is not sufficient for the defence of your legal interests, but rather access is necessary for this purpose. This right may also be limited by the right of third parties to protect their personal data or other conflicting rights.

Right to the Deletion or Restriction of Processing

You can request the deletion of your personal data if the processing of your personal data is not or no longer permissible. Your right to deletion depends, among other things, on whether the data relating to you is still needed by us to fulfil our legal duties. Under the conditions of Article 18 of the GDPR, § 43 of the JVoIzDSG NRW, you have the right to restrict the processing of your personal data.

Right to Correction

If the information concerning you is not (or no longer) correct, you can request a correction. If your data is incomplete, you can request that it be completed.

Right of Objection

You have the right to object to the processing of data relating to you at any time on grounds relating to your particular situation. Processing of your data will then only continue if there is a compelling reason to do so. A compelling reason may arise in particular from laws which require processing for the assertion, exercise or defence of legal claims or which compel us to continue processing, for example, statutory file

retention periods.

Right to Data Portability

Unless, as an exception, the data processing is performed within the exercise of official authority or is necessary for the performance of a task entrusted to the law enforcement authority, you have the right to be provided with the personal data concerning you if the data processing is based on consent or a contract and is carried out with the aid of automated procedures.

Right of Complaint

If you believe that the processing of your personal data by the law enforcement authority does not comply with the law, you can file a complaint with the responsible data protection supervisory authority.

The data protection supervisory authority responsible for all law enforcement authorities is the State Commissioner for Data Protection and the Freedom of Information (Landesbeauftragte für Datenschutz und Informationsfreiheit - LDI). You can reach the LDI as follows:

Landesbeauftragte für Datenschutz und Informationsfreiheit
Nordrhein-Westfalen
Postfach 20 04 44
40102 Düsseldorf

Tel.: 0211/38424-0

Fax: 0211/38424-10

E-Mail: poststelle@ldi.nrw.de