

Data Protection Information

– Registration/Accreditation with Background Check –

on the occasion of

Invictus Games Düsseldorf 2023

Dear Sir/Madam,

The Invictus Games Düsseldorf 2023 are a significant event. We thank you for wanting to be part of it, and we look forward to working with you.

A peaceful and trouble-free event is in the best interest of everyone involved. To ensure this, we only want to grant access to the venues to persons who have been accredited.

1. Data collection and processing by the Invictus Games 2023 project team

Since the accreditation procedure inevitably involves the processing of your personal data, which can only take place with your express consent, you will find information below about what happens to the information you provide on the application form.

The legal basis for the processing of your personal data is your consent in accordance with Art. 6 (1) (1) (a), 7 GDPR. You give your consent to the processing of your personal data in the declaration of consent form (application form), which refers to this data protection information. This form provides fields for all categories of personal data required for the background check.

The controller responsible for the processing of your personal data is:

Invictus Games Düsseldorf 2023 project team
Project Director Brigadier General Alfred Marstaller
Uerdinger Straße 88-92
D-40474 Düsseldorf

For questions regarding the processing of your personal data by us or questions on the topic of data protection in general, please contact the data protection officer of the Invictus Games Düsseldorf 2023 project team:
adsbinvictusgames2023@bundeswehr.org

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The Invictus Games Düsseldorf 2023 project team reserves the right to make changes to this data protection information.

In the following, we will provide information about the processing of personal data:

Your personal data will be processed using an Event Management Software. The personal data collected as part of the registration procedure will be recorded electronically and stored and processed exclusively in the European Union on systems of the Invictus Games Düsseldorf 2023 project team and, where applicable, commissioned processors. All personal data stored in the Event Management Software of the Invictus Games 2023 project team will be deleted three months after the end of the event if accreditation is granted, and twelve months after the end of the event if accreditation is denied. This storage period is to ensure qualified handling of enquiries about personal data stored, and enquiries or complaints about accreditations granted or not granted.

The data you provide on the application form will only be processed and used by the Invictus Games 2023 project team to decide on the granting of the right of access and its scope, and to monitor compliance with the relevant restrictions. The processing of personal data thus serves to ensure the security of the event.

1.3 Your rights as the data subject

1.3.1 Rights vis-à-vis the Invictus Games 2023 project team

All data subjects have the following rights vis-à-vis the Invictus Games 2023 project team:

- Right to withdraw consent (Art. 7 (3) GDPR)
- Right of access to personal data (Art. 15 GDPR)
- Right to rectification of inaccurate personal data (Art. 16 GDPR)
- Right to erasure ('right to be forgotten') (Art. 17 GDPR)
- Right to restriction of processing of personal data (Art. 18 GDPR)
- Right to data portability (Art. 20 GDPR)

1.3.2 Right to lodge a complaint with the Federal Commissioner

Data subjects can complain to the

Federal Commissioner for Data Protection and Freedom of Information
(BfDI)
Graurheindorfer Str. 153
D-53117 Bonn
poststelle@bfdi.bund.de

2. Background check

In the context of the accreditation of all persons of the security services and of persons who are active in the sensitive areas of the event as part of their event-related work, it shall also be checked whether the security authorities involved (Police, Federal Office for the Protection of the Constitution, Federal Intelligence Service, Customs Criminological Office) have information which, in their view, would preclude accreditation for the respective venue (background check). For this purpose, an extract from the information collected with the declaration of consent (surname, first name, name at birth or previous names, date of birth, place of birth, gender, nationality as stated on ID, postal code, city, street, house number, Land/federal state, country, type of ID and number of the ID, event name, function at the event, registration number) shall be provided electronically to the security authority "Zentrale Stelle Polizei NRW für Zuverlässigkeits- und Sicherheitsüberprüfung" (central office of the police of North Rhine-Westphalia for background checks and security clearance checks) as the central agency for conducting a background check. This security authority for background checks uses the data provided to check whether there is anything about you stored in the files of the police of the Federal Government and the Länder that would preclude your assignment for security reasons.

If information about you is stored in the files of the Federal and Federal State Police, the security authority for background checks will forward your data to the relevant State Criminal Police Office (LKA) or to the Federal Criminal Police Office (BKA) for further checking, as well as to the other security authorities involved.

The relevant State Criminal Police Offices, the Federal Criminal Police Office (BKA), the Federal Police, the Customs Criminological Office as well as the Federal Office for the Protection of the Constitution and the Federal Intelligence Service will each separately forward the results of their checks to the central office of the police of North Rhine-Westphalia for background checks and security clearance checks (Zentrale Stelle Polizei NRW für Zuverlässigkeits- und Sicherheitsüberprüfung). The central office consolidates the results and provides feedback to the Invictus Games 2023 project team indicating whether information about you is stored in terms of the following criteria.

No automated decision-making, including profiling in accordance with Art. 22 (1) (4) GDPR, will be carried out.

2.1 Files used for the check

2.1.1 Police files

Your data will be compared with various police files maintained by the police stations for purposes of protection against threats and for criminal prosecution. These are files that are used jointly by the Federal and Federal State Police (composite files), but also files that are used separately by the federal and state police authorities.

These are, in particular, offender/criminal offence files, in which criminal convictions, but also pending and discontinued investigations as well as criminal proceedings without a court conviction are stored, such as state security files (these contain data which include criminal offences with a political background or the affiliation of organisations or associations banned in Germany, etc.).

The storage period of the data in these files results from the provisions of the police laws of the Federal Government and the Länder. It is based on the individual case, taking into account the seriousness of the alleged offence and, if applicable, the court decision, as well as on whether the person concerned was a juvenile (younger than 18) or an adult (older than 18) at the time of the offence.

Usually, the retention period for crimes and certain serious offences as well as other criminal offences of supraregional importance is ten years for adults, and five years for medium-level offences for adults and juveniles. In cases of minor importance, the periods of review are reduced to three years. If a new relevant offence is added to a person's file before the retention period expires, the retention period may be increased to the extent permitted by law, while at the same time retaining the information stored up to that point.

It is expressly pointed out that the information in the police files may be more extensive than in the Federal Central Criminal Register because, in principle, proceedings that have been discontinued by courts/public prosecutor's offices or that have ended without a conviction may also be stored.

2.1.2 Files of the Federal Office for the Protection of the Constitution

When being checked by the offices for the protection of the constitution, your data will be compared with a joint file of file references of the offices for the protection of the constitution.

The reasons for storage and the duration of storage in this file are derived from the Acts on the Protection of the Constitution of the Federal Government and the Länder. The storage period is usually five years for minors and ten or fifteen years for adults after the date of the last relevant information stored.

2.1.3 Files of the Federal Intelligence Service

The Federal Intelligence Service will check your data if you have a foreign nationality and your place of residence is abroad. In these cases, the Federal Intelligence Service will check your data against existing intelligence on international terrorism and organised crime. According to Section 5 (1) of the Federal Intelligence Service Act (BNDG) in conjunction with Section 12 (3) of the Federal Act on the Protection of the Constitution (BVerfSchG), it must be examined in the course of the continuous execution of the mission, but at the latest after five years, whether stored personal data is to be corrected or deleted. Data will only be deleted if it is determined in the course of this examination that there is no longer a necessity for the data to be retained.

2.1.4 Files of the Customs Criminological Office

The Customs Criminological Office also checks in its files whether information about you is available according to the following list.

2.2 Criteria that are relevant to the decision (catalogue of criteria)

The objective of the background check is to ensure a safe and trouble-free event. Persons for whom there is reason to believe that they may pose a risk to the event as a whole are to be prevented from working in security-relevant areas. For this reason, the central office will report back to the Invictus Games 2023 project team that there is **police** intelligence or **customs** information on you in the following cases:

The files show final convictions for

- crimes committed (offences punishable by a minimum sentence of one year's imprisonment)

or

- misdemeanours (offences for which the statutory minimum term of imprisonment is less than one year or which are punishable by a fine) which, in individual cases, are particularly likely to disturb the peace under the law due to their nature or severity, insofar as they are directed against the life, health or freedom of one or more persons or against significant property or material assets of third parties, are committed in the fields of illicit traffic in weapons and drugs, counterfeiting of money or official stamps, or are committed on a commercial, habitual, serial, gang or otherwise organised basis

or

- crimes against the state.

If you have been convicted several times of offences other than those of considerable importance, the police will inform the Invictus Games 2023 project team of this if, after a careful examination of all the circumstances, it appears appropriate to do so.

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The same applies if other information about you is available, e.g. about pending or discontinued preliminary proceedings or criminal proceedings without a court conviction, or if there is information about state security or drugs or information from the area of organised crime, which leads to the conclusion that you will commit such offences in the future.

The **Offices for the Protection of the Constitution** will, as a rule, communicate that there is intelligence on you if there are factual indications that

1. the applicant will commit acts of violence,
2. the applicant has committed one or more acts of violence in the past which, by their nature or severity, are likely to disturb the peace under the law,
3. the applicant belongs to a grouping of people prepared to use violence or explicitly supports a violent ideology,
4. the applicant will incite or has in the past incited acts of violence. The same applies if there are factual indications that the applicant is in danger of committing extremist propaganda offences or other acts with an extremist background that are likely to endanger/damage public security or foreign interests or Germany's reputation.

The **Federal Intelligence Service** will in principle notify the Invictus Games 2023 project team that there is information about you in the databases on international terrorism or organised crime that provides factual indications that

1. the applicant will commit acts of violence,
2. the applicant has, in the past, committed one or more acts of terrorism abroad which, by their nature and severity, are likely to disturb the peace under the law,
3. the applicant belongs to a grouping of people abroad who would be prepared to use violence, or explicitly supports a violent ideology,
4. the applicant will incite or has in the past incited acts of violence abroad. The same applies if there are factual indications that the applicant is in danger of committing acts of terrorism or other acts with an extremist background that are likely to endanger/damage public security or foreign interests or Germany's reputation.

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2.3 Procedure

It is explicitly stated that the police will only communicate the results of their background check to the Invictus Games 2023 project team. Your employer (if you are employed by a service company and your employer has applied for the accreditation on your behalf) will not be informed directly about this. The background check provides the Invictus Games 2023 project team with a basis for its decision on your accreditation or non-accreditation:

- If the examination of your data by the security authorities shows that there are no entries for you in terms of the aforementioned criteria, this will be communicated to the Invictus Games 2023 project team.
- If the examination by the security authorities reveals that there is information about you in terms of the aforementioned criteria, this will be communicated to you and the Invictus Games 2023 project team (without stating reasons). Such findings, in addition to other factual/professional reasons, can lead to no accreditation being granted.

If accreditation has been refused, you can raise your objections with the Invictus Games 2023 project team¹.

If the Invictus Games 2023 project team rejects your accreditation due to findings of the security authorities, your submission, if applicable, will be forwarded to the rejecting security authority/authorities via the central office. Your objections will be examined and the communication to the Invictus Games 2023 project team corrected if necessary.

You can assert your other data protection rights (in particular, rights of access and rectification), as far as data processing by the security authorities is concerned, with the security authority named in the notification to you. To exercise your data protection rights, you can also contact the relevant data protection authority of the Land, or the Federal Commissioner for Data Protection and Freedom of Information.

The data accrued in connection with the background check will, as a rule, be stored by the aforementioned security authorities for a period of three months from the official end of the event to be able to subsequently determine, if necessary, which findings were decisive, and then deleted. Until deleted, the data will be blocked from general access. If there are findings according to the catalogue of criteria, the data will be deleted twelve months after the official end of the event.

¹For address see above under point 1 "Data collection and processing by the Invictus Games 2023 project team" of this data protection information

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3. Voluntary nature of the information you provide

You are free to decide whether to fill in the application form and give your consent to the data processing described here, in particular to the background check. **However, if you refuse consent, the accreditation cannot be performed.**

You also have the right to later withdraw consent you have given. Please send the withdrawal, preferably by e-mail, to the volunteer team of the Invictus Games Düsseldorf 2023 project team:

IG23-EDSupportVolunteers@Bundeswehr.org

However, in this case, a previously granted accreditation would have to be revoked again. Your data will then remain stored in the Event Management Software for a period of three months to enable qualified handling of enquiries. If the background check with the security authorities has already been carried out at the time of the revocation, this would have no influence on the further storage of your data there until the expiry of the above-mentioned periods.