Data protection information regarding the Digital Administration of Vaccinations Bavaria
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1. Who is providing you with this service and is the data controller?

The application “BayIMCO” (in the rest of the text we will refer to it as “application” for short) is made available to you by the Bavarian State Ministry of Health and Care:

**Bavarian State Ministry of Health and Care**

Haidenauplatz 1  
81667 Munich  
Telephone: +49 (0)89 540 2330  
Fax: +49 (0)89 540 2339 0999

Gewerbemuseumsplatz 2  
90403 Nuremberg  
Telephone: +49 (0)911 215 420  
Fax: +49 (0)911 215 429 0999

E-mail: poststelle@stmgp.bayern.de

The GDPR (General Data Protection Regulation) is an EU regulation which ensures that your personal data are protected. According to the GDPR, the Bavarian State Ministry of Health and Care (StMGP) is the controller. Not the only one, however. This is because the vaccinations are carried out at the behest of the StMGP by local vaccination centres (including mobile vaccination teams) in the districts and municipalities of Bavaria. The mobile vaccination teams are linked to the vaccination centres (cf. Article 6 sub-para. 1 sentence 1 of the German Corona Vaccination Ordinance). The vaccination centres and the StMGP are “joint controllers” as defined in Art. 26 of the GDPR, with the StMGP ensuring and being responsible for the provision of the technology and the associated technical and organisational measures needed to protect your data and privacy, and for Bavaria-wide data reporting in accordance with federal law (Robert Koch Institute and Paul Ehrlich Institute). The operators of the vaccination centres, on the other hand, actually handle your data and are responsible for this data processing in the vaccination centres, thus making them your point of contact if you wish to exercise your rights as a data subject (see Chapter 8).

Whenever you read “we” or “us” in the rest of the text, this means the StMGP and the vaccination centre which is responsible for you. Which vaccination centre operator is responsible for you depends on where you live. You can find a list of all the vaccination centres in Bavaria at https://www.stmgp.bayern.de/coronavirus/impfung/. There, you can also see the name of the responsible operator and their contact persons as well as the contact details of the data protection officer.

We are committed to protecting you and your data. That is why, with this application, we are offering you the chance to register for vaccinations against Covid-19. We strictly adhere to the requirements of the GDPR, of the Bavarian Data Protection Act, of the Federal Data Protection Act, of the Federal Coronavirus Vaccination Ordinance and of the State Coronavirus Vaccination Reporting Ordinance.
In this data protection information, we will tell you what personal data of yours we process and for what purpose, on what legal basis, and what rights you have as a data subject when you use this application.

1.1 Whom can you contact with questions concerning data privacy?
The party responsible for the processing of your data on location is the operator of the vaccination centre responsible for you, whom you can find via the following link: https://www.stmgp.bayern.de/coronavirus/impfung/.

There you will also find the contact details of your competent data protection officer. The exact name and address of the operator of the local vaccination centre or mobile vaccination team as well as the contact details of the operator’s data protection officer can also be found on the detailed notice board at the location.

The party responsible for the application is the Bavarian State Ministry of Health and Care, Haidenauplatz 1, 81667 Munich and Gewerbemuseumplatz 2, 90403 Nuremberg. You can reach the data protection officer by writing to the address supplied or by sending an e-mail to datenschutzbeauftragter@stmgp.bayern.de.

2. What is the aim and purpose of this application?

To support the vaccination management of the Bavarian Covid-19 vaccination centres, the Bavarian State Ministry of Health and Care is providing the application “BayIMCO” for the administration of registrations and the handling of vaccinations against Covid-19. With it, personal data of citizens willing to be vaccinated can be recorded by means of a web form for the purpose of making and confirming appointments for vaccination. Details of the vaccination are managed with it and made accessible to the vaccination team for planning and implementation purposes. The digital data collected in the application are then processed in a pseudonymised form by the digital archive of vaccinations at the Bavarian State Office for Health and Food Safety (LGL) on behalf of the Bavarian vaccination centres in order to pursue liability issues, to exercise the rights of data subjects and, possibly, to track vaccine batches. The LGL’s digital archive of vaccinations does not process the data until the first vaccination has taken place. When consent has been given to contact for research purposes, the contact record is transferred immediately after consent was given. Thanks to the central safeguarding of Bavarian data in the digital archive of vaccinations, access to the digital data can be guaranteed even after the end of the work of the vaccination centres. Furthermore, pseudonymised data are transmitted to the LGL by the vaccination centres to facilitate vaccination surveillance, especially with regard to side effects or illness despite vaccinations (Bavarian Vaccination Monitoring). De-pseudonymised data may only be accessed in justified individual cases (see Chapter 5).
3. What are personal data?

Personal data means any information relating to an identified or identifiable natural person. When developing this application, we attached great importance to having to store as few data of yours as possible. And the reason is: the less people have access to your data, the greater the protection of your privacy is, and the lower the risk of a data breach.

Apart from “normal” personal data, there are also what is commonly referred to as “sensitive” data. In the GDPR, these are called “special categories of personal data” (cf. Art. 9 GDPR). Health data are, for example, such sensitive data. These must be treated with even more confidentiality.

Below we now provide you with information about the data we process, to whom we transfer the data and what the legal basis is for our doing so.

4. Which of your personal data are processed?

4.1 During registration

4.1.1 If you register for vaccination via the web form

If you wish to register via the web form, you first need to create an account. To do this, you must enter a user name and a password. We will store the password in a hashed and therefore unreadable form. You will also need to provide an e-mail address so that we can send you an activation link for your account.

With regard to your account, you will first be required to enter the following types of data:
- Identification (e.g. name, date of birth, sex)
- Address (e.g. street, post code, town)
- Contact details (e.g. e-mail, telephone number)
- Information about your work/where you live
  - “I work in a care or medical facility, in ...” (e.g. old people’s home or nursing home, a medical facility with a very high risk of exposure)
  - “I work at a school or kindergarten, in ...” (e.g. nursery school/ crèche/ day-care centre, primary school, special-needs school or school for children with learning difficulties)
  - “I am a key worker providing an essential service, I work for ...” (e.g. professional fire brigade, supermarket)
  - “I live/work in a joint institution, in ...” (e.g. assisted living facility, accommodation for asylum seekers)
- Information on any special contact situation (e.g. employed in retail, one or two close contact persons of a pregnant woman)
- Health data

We also store the date of your registration. In addition, we record whether you have given your voluntary consent to be contacted for further research into Covid-19.

If so, when you are contacted you will be asked for your consent to the merging of the contact details and the medical data.

We do not store your health data in plain text in the “BayIMCO” application. Your information about your state of health will be used to prioritise the allocation of vaccination appointments. For this purpose, a parameter will be calculated from your data, based on the requirements of the Federal Coronavirus Vaccination Ordinance (Articles 2 to 4 CoronaImpfV). This parameter and the number of previous illnesses – but not which ones – are the only health data recorded.
in the database of the “BayIMCO” application when you register.

4.1.2 If you register for vaccination by phone
If you do not wish to register for vaccination via the Internet but rather by telephone, the same data will be collected except for the data needed to create the account (username and password). As in the case of online registration, the parameter formed and the number of previous illnesses are the only health data recorded and stored in the “BayIMCO” application.

4.1.3 Preparing for vaccination
Regarding the priority of invitations to be vaccinated, the vaccination centre goes by the aforementioned parameter, which is based on the recommendations of the Standing Commission on Vaccination of the Robert Koch Institute, which Commission was implemented within the CoronalmpfV. Persons with a higher parameter are considered to be more vulnerable and/or at risk (for example because their jobs bring them into contact with many other people) and are therefore given priority for a vaccination appointment. If you have registered, you will be informed by e-mail, text message or telephone as soon as vaccination appointments are available for you. In this step, the following information is collected in order to prepare for vaccination:
- whether you have been vaccinated in the past 14 days
- details about your state of health (especially previous illnesses and chronic diseases, particular living and working conditions)
  - Are you healthy at present?
  - Do you suffer from a chronic illness?
  - Do you suffer from a blood clotting disorder?
  - Is there any known allergy?
  - Existing allergies
  - Have you ever had allergic symptoms, a high fever or other unusual reactions after a previous vaccination?
  - Allergic symptoms that occurred after a vaccination

These health data will not, however, be collected and stored in our “BayIMCO” application. They will be converted into a QR code and listed on a vaccination sheet in PDF format which you can print out. This PDF file remains with you. Please be sure to take the vaccination sheet with you to your vaccination appointment.

For sufficient vaccination protection, the vaccine must be administered twice (exception: Johnson & Johnson vaccine: only once) at an interval recommended by the Standing Committee on Vaccination. If you did not previously register in the application but have already had a vaccination, then you will be asked to provide information about the first vaccination. This will be recorded in the database together with your preference as to whether and how you would like to be reminded shortly before the vaccination date (e.g. by e-mail or text message).

If you do not register via the web form but by telephone via the call centre, the only difference in the preparation process is that you will not receive the vaccination sheet directly as a PDF file but by post.

4.1.4 If serial vaccinations are recorded
If you would like to receive a serial vaccination offered to all the staff and residents of, for example, in-patient care institutions, please register for one with your institution. Beforehand, you will receive information material (consent, information sheet, data privacy notice) from the institution. By reporting your willingness to be vaccinated at the institution, you also consent to the institution sending the following data to the competent vaccination centre:
- First and last name
- Sex
- Date of birth
- and, if applicable, whether a legal guardianship exists.
This is necessary so that the vaccination centre can arrange the vaccination on the spot at the institution by a so-called mobile team. You can revoke your consent to the institution’s transferring your data up to the point in time of data transfer to the vaccination centre. Consent to the institution’s transfer of your data to the vaccination centre is independent of your consent to the vaccination itself under civil and criminal law. The processing of data during the subsequent vaccination will then be carried out on the basis of the legal provisions listed in Chapter 5.

When you are registered for vaccination, your personal data will not be stored in the database. They will be transmitted to the application for a short time so that the vaccination forms can be drawn up. After that, however, they will be discarded again. Only the number of persons to be vaccinated per institution will be stored in the database.

If you are the person recording the serial vaccination in the system, then your identification and contact details will be stored in the “BayIMCO” application for the purposes of managing the vaccination.

4.2 During vaccination and after vaccination
When you come for your vaccination, please make sure to bring your vaccination sheet with you. When you check in at the vaccination centre, the data from your vaccination sheet will be transferred by scanning the QR code and other data of yours will be recorded, for example:
- Vaccination date, vaccine and dosage
- Any unusual points about the case history/medication/examination
- whether you have/had an unusual reaction to the vaccination
- how you reacted to the first vaccination (if this is your second vaccination appointment)

After the vaccination, a vaccination certificate will be printed out for you. Please keep it in a safe place for your next vaccination appointment. Note: the data will be removed from the “BayIMCO” application after vaccination. The medical staff will keep a paper record of the vaccination. This record will also contain the essential statutory details for the vaccination documentation.

Following vaccination, on behalf of the vaccination centres the digital data will be transferred on a central basis to a separate digital database of the LGL’s digital archive of vaccinations in order to keep track of legal obligations, in particular liability cases (processing for the vaccination centres). The data will be encrypted with a key from the Bavarian State Ministry of Health and Care so that they can only be read by the LGL’s digital archive of vaccinations. The data will only be decrypted in cases intended and permitted by law.

Chapter 6 specifies to whom data may be forwarded.

4.3 If you work for the vaccination centre
If you work with the application for the vaccination centre, then your identification and access data will be stored, as well as data that we need for logging purposes so that we can identify improper or unlawful use. The name of the doctor responsible for the vaccination will be included in the vaccination data.
5. On what legal basis are your data processed by the application?

The legal bases for the processing of your data in the Digital Administration of Vaccinations, including the application “BayIMCO” are,

- for the vaccination and for all subsequent data processing up to and including storage with a public operator of the vaccination centre, Art. 6 para. 1 sub-para. 1 letter e, para. 3 sub-para. 1 letter b, Art. 9 para. 2 letter h, para. 3 GDPR in conjunction with. Art. 4 para. 1, 8 para. 1 sentence 1 no. 3 BayDSG,
- for the vaccination and for all subsequent data processing up to and including storage with a private operator of the vaccination centre, Art. 6 para. 1 sub-para. 1 letter e, para. 3 sub-para. 1 letter b, Art. 9 para. 2 letter h GDPR in conjunction with Section 22 para. 1 no. 1 letters b and c of the Federal Data Protection Act (BDSG),
- for consent to contact for further research Art. 6 para. 1 sub-para. 1 letter a, Art. 9 para. 2 letter a GDPR,
- for the calculation of the parameter for determining vaccination priority Art. 6 para. 1 sub-para. 1 letter e, para. 3 sub-para. 1 letter b, Art. 9 para. 2 letter h, para. 3 GDPR, Art. 4 para. 1, Art. 8 para. 1 sentence 1 no. 3, BayDSG in conjunction with Articles 2 to 4 CoronaImpfV,
- for the pseudonymised transfer of data for research purposes in justified individual cases by the LGL to hospitals under public law within the scope of application of the GDPR pursuant to Art. 6 para. 1 sub-para. 1 letter e, para. 3 sub-para. 1 letter b, 9 para. 2 letter j GDPR in conjunction with Article 2 sub-para. 2 sentence 3 of the Coronavirus Vaccination Notification Ordinance,
- for the Bavarian Vaccination Monitoring by the LGL pursuant to Art. 6 para. 1 sub-para. 1 letter e, para. 3 sub-para. 1 letter b, 9 para. 2 letter i) GDPR in conjunction with Article 2 para. 1 Coronavirus Vaccination Notification Ordinance.

6. Do we pass data on?

Your personal data will not be passed on except in the cases explicitly mentioned in this data protection information. The data you give in the “BayIMCO” application will be processed by the staff of the vaccination centre and the persons who take down your data by telephone for the purpose of coordinating or carrying out the vaccinations. After the vaccination, the data will be deleted from the application and transferred to a separate database which can only be accessed by the LGL’s digital archive of vaccinations.

Your personal data may be passed on in the following cases:

6.1 Processors and external service providers

For the provision of our service with regard to the application, we rely on external service providers, referred to as processors under the GDPR. A transfer of personal data is justified by the fact that we have carefully selected our external service providers as processors pursuant to Art. 28 sub-para. 1 GDPR, regularly check them and have contractually obliged them to process all personal data only in accordance with our instructions, and to adhere to the GDPR.

We use the following processors:
6.1.1 Operation and maintenance of the “BayIMCO” application (including back-end)
Accenture GmbH
Campus Kronberg 1
61476 Kronberg im Taunus

Accenture takes care of the hosting and technical operation of the “BayIMCO” application using the following additional service provider, who is also responsible for the server and maintenance in the event of malfunctions and for technical data security. The data centre Accenture uses to host the “BayIMCO” application is:
NTT Global Data Centers EMEA GmbH
Voltastraße 15
DE-65795 Hattersheim

6.1.2 Sending e-mails and text messages
retnar GmbH
Aschauerstraße 30
81549 Munich

To communicate with you, in particular invite you to a vaccination, remind you or cancel your vaccination via e-mail or text message, we use the services of retnar.

6.1.3 Printing and dispatching vaccination sheets
Bayerisches Landesamt für Steuern, IuK
Voigtländerstraße 7-11
90489 Nuremberg

The Computer Centre North of the Bavarian State Tax Office (BayLSt) is in charge of printing and dispatching the vaccination sheets of those who register for vaccination by telephone. Using the BayLfSt does not imply any connection in terms of tax law.

6.1.4 Formation of pseudonym for the forwarding of pseudonymised data to the Robert Koch Institute
Bundesdruckerei GmbH
Kommandantenstraße 18
10969 Berlin

6.1.5 Archiving of the digital administration of vaccinations (vaccination archive) for the vaccination centres by the LGL
Bavarian State Office for Health and Food Safety
Digital archive of vaccinations of the Bavarian corona vaccination centres
Schweinauer Hauptstr. 80
90441 Nuremberg

Contact: impfarchiv@lgl.bayern.de

6.2 Forwarding and further processing of pseudonymised data
6.2.1 Robert Koch Institute (RKI)
In order to assess the utilisation of protective vaccinations and their effects (vaccination surveillance), certain vaccination data must be transmitted to the Robert Koch Institute in pseudonymised form pursuant to Section 13 sub-para. 5 of the Infection Protection Act.

6.2.2 Bavarian State Office for Health and Food Safety (LGL)
For the purposes of state-wide prophylaxis and prevention of the infectious disease SARS-CoV-2 and for epidemiological surveillance, the vaccination centres transmit certain vaccination data in pseudonymised form, on the basis of Article 1 sub-para. 1 of the Coronavirus Vaccination Reporting Ordinance, to the LGL (Bavarian Vaccination Monitoring).

6.2.3 For research purposes
For research purposes, pseudonymised data may be processed in accordance with Art. 9 sub-para. 2 letter j GDPR in conjunction with Art. 6 sub-para. 2 no. 3 c BayDSG (public bodies of the Free State of Bavaria) or Section 27 BDSG (non-public bodies) and Section 75 of the Tenth Book of the Social Code (SGB X) for social data.

The LGL only transmits pseudonymised data obtained from epidemiological surveillance to public hospitals for the purpose of Covid-19 research, in particular vaccination effects and vaccination breakthroughs, in accordance with Article 2 sub-para. 1 sentence 3 of the Coronavirus Vaccin-
nation Reporting Ordinance. This is only possible in justified individual cases and only to the extent that those public hospitals are subject to the ambit of the GDPR. Contact will only be made with you if you have given your prior consent.

7. When will we delete your data?

We will delete your data as soon as they are no longer necessary for the purposes for which we collected them and there are no legal retention periods.

7.1 From the application “BayIMCO”
We will delete the personal vaccination data from the “BayIMCO” application 14 days after the second vaccination. If a person receives the first vaccination but cancels the appointment for the second vaccination or fails to make a second vaccination appointment, the personal data will be deleted from the application after 10 months. If a person registers but fails to react to the invitation to make an appointment, the personal data will be deleted from the application after a period of 6 months. If a person registers but fails to activate their account, the personal data will be deleted after one week.

We delete log data from the “BayIMCO” application after 90 days. Access data of the vaccination and administration staff are stored until the account is deleted by the administrator. After the vaccination, the name of the doctor responsible for the vaccination is transmitted to the LGL’s digital archive of vaccinations and deleted from the “BayIMCO” application.

7.2 From the digital vaccination archive
After the data have been transmitted from the “BayIMCO” application to the digital vaccination archive, they are deleted from the application (see Chapter 7.1). In the separate database of the LGL’s digital vaccination archive where the data are encrypted with the key of the Bavarian State Ministry of Health and Care, the data are usually kept for 10 years; in individual cases, a shorter or even longer retention period may be required.

7.3 From medical records
Medical records must be kept for a period of ten years after completion of treatment, unless a longer retention period is required by law (cf. para. 10 sub-para. 3 of the professional code BO, para. 630f sub-para. 3 BGB and for office-based doctors para. 57 sub-para. 2 of the federal master treaty for medical practitioners BMV-Ä).

7.4 From the database for contacting people for research purposes
If you have given your consent in the “BayIMCO” application to be contacted for research purposes in the public interest, then your contact details will be retained for this purpose until you withdraw your consent. When it is foreseeable that no more research projects will be carried out, these contact details must also be deleted.
8. What rights do you have?

8.1 Right of access
You have the right to receive information from us at any time upon request about the personal data concerning you that we process to the extent stipulated in Art. 15 GDPR. Please address your request for information to the specific vaccination centre that processes your data. If you are already fully vaccinated, you can, alternatively, turn to the digital vaccination archive (impfarchiv@lgl.bayern.de).

8.2 Right to rectification
You have the right to demand that we rectify the personal data concerning you without delay if they are incorrect. For this, please approach the vaccination centre responsible for you.

8.3 Right to erasure
You have the right to demand that we erase the personal data concerning you subject to the conditions set out in Art. 17 GDPR. These conditions provide in particular for a right of erasure where the personal data are no longer necessary for the purposes for which they were collected or otherwise processed, and where they have been unlawfully processed. For erasure of the data, you can either contact the vaccination centre responsible for you, or select “Delete person” or “Delete data and account” in the opened vaccination application.
You have the right to withdraw your consent to the collection of your contact details for further research any time. You subsequently also have the right to their erasure.

8.4 Right to restriction of processing
If your data have been unlawfully processed, you can either delete them (or have them deleted) or demand restriction of their processing.

You have the right to demand that we restrict processing pursuant to Art. 18 GDPR. This right exists in particular if the accuracy of the personal data is disputed between you and ourselves, for a period enabling us to verify the accuracy of the data.
Instead of exercising the right to erasure, you may also demand restriction of processing if the data are no longer needed for our purposes but you require them for the establishment, exercise or defence of legal claims.

8.5 Data portability
You have the right to receive the data you have provided to us on the basis of a contract or your consent, in a structured, commonly used, machine-readable format in accordance with Art. 20 GDPR.

8.6 Right to object
Pursuant to Art. 21 para. 1 GDPR, you have a right to object to processing which we carry out based on point (e) of Art. 6 sub-para. 1 GDPR. This means that you can object at any time to processing of data on grounds relating to your particular situation. However, an objection will only result in the data no longer being processed if the objection is justified by particular reasons. We will no longer process the personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or if the processing serves the establishment, exercise or defence of legal claims.

8.7 Right to lodge a complaint with a supervisory authority
If your complaint relates to data processing by a private vaccination centre located in Bavaria, please contact the following authority:

Bayerisches Landesamt für Datenschutzaufsicht
Address: Postfach 1349; 91504 Ansbach

If your complaint relates to data processing by a public body located in Bavaria (e.g. BRK, university hospital, local authority, city with district status or StMGP), please contact the following authority:
Bayerischer Landesbeauftragter für den Datenschutz
Address: Postfach 22 12 19, 80502 München

If your complaint relates to data processing by a private vaccination centre located in Baden-Württemberg (e.g. Huber Group), please contact the following authority:

Der Landesbeauftragte für den Datenschutz und die Informationsfreiheit Baden-Württemberg
Address: Postfach 10 29 32, 70025 Stuttgart, Königstrasse 10a, 70173 Stuttgart

If your complaint relates to data processing by a vaccination centre with its headquarters or branch office in North Rhine-Westphalia (e.g. Ecolog Deutschland GmbH), please contact the following authority:

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

If your complaint relates to data processing by a body of the Protestant Church (e.g. Johanniter-Unfall-Hilfe e.V.), please contact the following authority:

Der Beauftragte für den Datenschutz der Evangelischen Kirche in Deutschland
Address: Aussenstelle Berlin, Invalidenstrasse 29, 10115 Berlin

If your complaint relates to data processing by a vaccination centre of the Malteser Hilfsdienst, please contact the following authority:

Solicitor Dieter Fuchs
Address: Wittelsbacherring 9, 53115 Bonn, e-mail: fuchs@orden.de

Information regarding the provision of personal data:

After you have decided to participate in the vaccination, the collection of your personal data will be carried out on the legal bases stated in sections 5 and 6. Provision is thus subject to legal requirements, without which the data processing for the vaccination cannot be carried out.

Date of the last update of this data protection information: 4/5/2021
BAYERN | DIREKT is your direct line to the Bavarian state government.

You can receive informative material and brochures, information on current topics and Internet sources as well as references to authorities, appropriate locations and points of contact of the Bavarian State Government via telephone: +49 (0)89 122 220 or by email at direkt@bayern.de.

LEGAL NOTICE

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