



Data protection information sheet on personal data of clients

Information regarding the personal data we collect, process and use in the context of your supervision, as well as in the context of court assistance and offender-victim mediation.

1. Personal data

Personal data refers to information that can be used to learn about your personal or factual circumstances (e.g. name, address, date of birth, email address, telephone number).

2. Data collected and processed by your probation officer in the context of probation services

In order to fulfil the assistance and supervisory duties outlined by the legislator in Section 56d(3) of the German Criminal Code (StGB), your probation officer relies on collecting and storing data about you and your living environment.

Your probation officer will only collect personal data to the extent necessary to appropriately and comprehensively fulfil this legal duty.

According to Section 483(1) of the German Code of Criminal Procedure (StPO), courts, law enforcement authorities (including enforcement agencies), probation officers, supervisory authorities for judicial supervision and court assistance services are permitted to store, modify and use personal data in files if it is necessary for the purposes of criminal proceedings. The same applies under Section 485(1) StPO if required for case management purposes. Section 487 StPO governs the transmission of stored data.

The information you provide to your probation officer is given voluntarily. However, due to the legal justification already established in the law, your consent is not required for the aforementioned data collection, processing or use.

3. Data collected and processed in the context of court assistance

The investigation of facts generally requires the court assistant to rely on sources of information. The collection of personal data is permitted under Section 160(3), second sentence, StPO.

The authority to store and use such information in files is governed by Section 483(1) StPO. If required for case management purposes, the same applies under Section 485(1) StPO. Your cooperation in the investigation of facts is generally voluntary.

4. Data collected and processed in the context of offender-victim mediation

In the context of offender-victim mediation, only data necessary to achieve the intended purpose – reparation of harm and, consequently, communication between the offender and the victim – is collected.

If your personal data has not already been transmitted to us by the competent public prosecutor's office or court in accordance with Section 155b(1), first sentence, StPO, your data will only be collected, processed and used in accordance with Section 155b(2), second sentence, StPO if you have given your consent and if this is necessary for the implementation of the offender-victim mediation or the reparation of harm.

5. Disclosure of your data to third parties

As a general rule, data is not disclosed to third parties, as your probation officer is subject to confidentiality. However, they are required to report to the court. In certain cases, we are legally obliged to pass on your personal data to public authorities to fulfil our duties or the duties of the third party to whom the data is transmitted.

According to Section 474(1) StPO, courts, public prosecutors and other judicial authorities are granted access to files if necessary for the administration of justice. Additionally, providing information from files to public authorities is permissible under Section 474(2) StPO, provided that 1) the information is necessary for the determination, enforcement or defence of legal claims related to the offence, 2) these authorities are permitted to receive personal data from criminal proceedings ex officio under a specific legal provision, or if, following an ex officio transmission, the further transmission of personal data is necessary for fulfilling their duties, or 3) the information is required to prepare measures for which, under a special legal provision, personal data from criminal proceedings may be transmitted to these authorities ex officio.

According to Section 487(1), third sentence, StPO, probation officers are allowed to transmit personal data of convicted persons under supervision to institutions of the penal and therapeutic detention system if this data is required to enforce the deprivation of liberty, particularly for promoting correctional and treatment planning or preparing for release.

According to Section 481(1), third sentence, StPO, probation officers may, in accordance with police regulations, transmit personal data from criminal proceedings to police authorities or grant access to files if this is necessary to avert an imminent danger to a significant legal

interest and if timely transmission by the authorities listed in the second sentence is not ensured.

6. Security measures for the protection of stored data

When we collect data, we store it on specially protected servers in Germany. To prevent the loss or misuse of stored data, we implement extensive technical and operational security measures, which are regularly reviewed and updated in line with technological advancements.

7. Retention period for your data / archiving

Files and electronic records must be retained for six years after the conclusion of probation services and five years after the conclusion of court assistance.

Records containing personal data collected, processed or used in the context of offender-victim mediation must be destroyed by the responsible authority one year after the conclusion of the criminal proceedings.

After the termination of a client's supervision and the expiration of statutory retention periods, the probation and court assistance service (BGBW) will offer files or file extracts to the Baden-Württemberg State Archives for transfer, in accordance with the provisions of the State Archives Act (LArchG). If the State Archives assume responsibility for further archiving of files or file extracts, the rights of the affected clients will be governed by the provisions of the State Archives Act.

Affected clients have the right to request information from the BGBW.

Contact details of the official data protection officer: datenschutzbeauftragte@bgbw.bwl.de.

You have the right to lodge a complaint with the supervisory authority. This is the State Commissioner for Data Protection and Freedom of Information of Baden-Württemberg: poststelle@lfdi.bwl.de.

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