MHH non-disclosure declaration

regarding the obligation to comply with data protection law regulations under the General Data Protection Regulation and to safeguard company, trade, and private secrets

Mr. / Ms. / Company _____ (hereinafter referred to as the obligated party) will come into contact with sensitive data from the Medizinischen Hochschule Hannover (MHH – Hannover Medical School) and its employees in her / his position / role as _____. She / he will also receive access to confidential information in this position.

If the obligated party engages their own employees, service providers, or subcontractors, then she / he is obligated to disclose these persons in the non-disclosure declaration, and obligate them to comply with the rules listed there. Upon request by MHH, the obligated party shall verify in text form that she / he has complied with this obligation.

1.   Data protection in accordance with the GDPR

The obligated party is prohibited from processing personal data without authorization. Personal data may only be processed if the data subject has consented to this, or if there is a statutory regulation that permits the processing, or if processing of this data is required by law. The principles of the GDPR on processing personal data are set forth in Art. 5 para. 1 GDPR and primarily include the following obligations: Personal data must:

a)   be processed in a legal manner that is transparent to the data subject;

b)   be collected for established, clear, and legitimate purposes and may not be processed in any manner not related to these purposes;

c)   be appropriate for the purpose and significant and be restricted to the extent necessary for the purpose of processing ("data economy");

d)   be objectively correct and up to date if necessary; all reasonable measures must be taken to ensure that personal data that is incorrect for the purposes of processing can be deleted or rectified promptly;

e)   be saved in such a manner that only allows the data subject to be identified if necessary for the purposes for which it is processed;

f)   be processed in such a manner that ensures appropriate security for the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction, or damage through suitable technical and organizational measures ("integrity and confidentiality").

These obligations continue to apply even after the end of the employment relationship. She / he shall furthermore be instructed that violations of data secrecy may be punished with imprisonment or fines under national law derived from it. Furthermore, the obligated party hereby undertakes to maintain telecommunications secrecy, provided that she/he is hereto obligated under Sec. 3 TTDSG. In addition, individual information regarding the personal or objective circumstances of an identified or identifiable natural person is protected, as well as data in documents that was clearly taken from a file or reclassified and analyzed through automated processes, as well as personal data in paper form (file management). Data secrecy must be ensured in accordance with current valid data protection law regulations of the GDPR, the BDSG, and the NDSG.

2. Protection of secrecy

By their signature, the obligated party confirms that they understand that data accessible for the duration of the order to be carried out is subject to data protection law, whereby in particular Sec. 203 of the German Penal Code (StGB) and Sec. 59 / Sec. 60 of the NDSG (offenses / criminal acts) shall be observed, and hereby undertakes the following:

- Data and other information may not be duplicated for any reason besides the operational / agreed purpose; in particular, copying the data material for private purposes and secondary jobs and/or transmitting such data to third parties without authorization are prohibited.
- Only the data necessary to fulfill the individual's specific duties may be accessed.
- Falsifying data, creating counterfeit data, or knowingly using counterfeit or falsified data are prohibited.
- Documents containing personal data must be securely protected against access by unauthorized third parties and data must always be protected by locking facilities so that they are not accessible to third parties, and so that no unauthorized persons can gain access, including securing PC access.
- After completing work, all keys received must be returned to the entity that issued them.

The obligated party must take proper care to protect personal data within the framework of the duties assigned to them. Any deficiencies determined must be reported to MHH as quickly as possible. The following provisions and instructions are to be noted under the declaration of commitment:

- Sec. 133 para. 3 StGB - Breach of custody
- Sec. 201 para. 3 StGB - Violation of confidentiality of the word
- Sec. 203 StGB - Violation of private secrecy
- Sec. 204 StGB - Exploitation of third party secrets
- Sec. 353 b StGB - Violation of trade secrecy

The obligated party shall protect and secure the confidential information with the appropriate due diligence, and at least the diligence with which she / he would protect their own comparable information. Confidential information may only be used for the purposes of processing within the framework of the business relationship in which it was disclosed, and not for the purposes of third parties or for the obligated party's own purposes. Documents and data storage media that contain confidential information may only be removed or transported out of the company facilities with the express prior approval of the authorized party. If such documents and data storage media are no longer needed, they must be destroyed so that they cannot be reconstructed. These specifications all continue to apply without limitation after the end of the contractual relationship.

Confidential information includes, in particular, all information, all scientific, business, technical, and other data, notifications, correspondence, and similar, including texts, tables, graphics, photographs, technical documents, drawings, electronic, oral, or other records and notifications, as well as computer software and hardware, insofar as it relates to MHH and all information that relates to MHH itself and is not publicly known, such as its accounting documents, information on legal disputes or similar, in particular including research data (as well as involving projects with third-party funds), company secrets, products, manufacturing processes, know-how, inventions, business relationships, business strategies, business plans, financial planning, personnel matters, and all documents and information that is the object of technical and organizational secrecy matters and is designated as confidential or would be considered confidential based on the type of information or the circumstances of its transmission. Information that was already publicly known before disclosure or notification by the owner is not considered confidential information, nor information that becomes publicly known at a later time without any violation of a confidentiality obligation, information that the recipient can verify was already known to them before disclosure by the owner and without any violation of the confidentiality obligation, information which is generated by the recipient itself without using or referencing any confidential information from the owner, or information that is provided or disclosed to the recipient by an authorized third party without any violation of a confidentiality obligation.

The obligated party may disclose confidential information if she / he is obligated to do so by law, ordinance, or official directive in court or administrative proceedings. However, provided that the obligated party must inform MHH of this obligation before disclosure, must utilize reasonable means for legal protection, and must attempt to ensure confidentiality under the procedural requirements, and may only disclose confidential information insofar as the above official obligation extends.

Created by:	Reviewed by:	Approved by:
Gomm, Georg	14.03.2022, Eßmann, Claudia	14.03.2022, Schomerus, Christoph

The obligated party hereby declares that she / he has been informed sufficiently of her / his obligations regarding data protection and the protection of secrecy, as well as the consequences of not fulfilling these obligations. She / he must sign this non-disclosure declaration and, by doing so, confirm receipt of a copy of the declaration.

_____

Date / signature of the obligated party

Created by:	Reviewed by:	Approved by:
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