

“How to...” Data Protection: Job interviews via video conference



Interviews conducted by way of video conference are increasingly gaining in popularity in application procedures. This may be partly due to the fact that it would be too time-consuming and costly for applicants to travel to the interview. But what must be taken into consideration in terms from a data protection law perspective when conducting video interviews?

The legal basis is § 26, Paragraph 1 German Federal Data Protection Act (Bundesdatenschutzgesetz - BDSG), i.e. the interview must be "required to establish the employment relationship". The applicant's consent is less suitable as a legal basis. With regard to the required voluntary nature of consent, it can be stated as a rule that this is not the case with applicants if participation in a predefined application procedure is a prerequisite for access to the application process. This is why an appointment in person should always be offered as an alternative, if possible.

BEFORE THE INVITATION AND TOGETHER WITH IT

- The video technology used for the call must comply with the requirements of the GDPR. The software tool must be chosen accordingly. We recommend to use the video conference service provided by the Deutsches Forschungsnetzwerk DFN, which is called
- "DFNconf". Use of the conference service is free of charge and complies with the applicable data protection regulations. Link: <https://www.conf.dfn.de/>
- Alternatively, also the "Cisco WebEx" tool, which is provided by the GWDG, is available for video conferences: https://info.gwdg.de/dokuwiki/doku.php?id=de:services:mobile_working:videoconferencing_tools:cisco_webex:start
- If neither of these two aforementioned services is used, at least an order processing contract must be concluded with the technology provider. This contract must also contain information pertaining to health data, since it may be the case that data of severely disabled applicants is processed. For this purpose, it is recommended that you use the template provided by the MPG in Chapter XVII.03 of the Organisationshandbuch.
- Please inform the applicant in the invitation which tool is to be used and provide them with the information pursuant to Art. 13, and 14 GDPR. You may also do this by providing a link. The applicant must also be informed about all participants to the video conference (whether active or passive).
- Allocate a password for the video conference room. It is recommended to communicate this password to the participants either via encrypted email or Cryptshare (<https://cryptshare.mpg.de/Start?0>).
- Notify the applicant of the system requirements and give them an opportunity to test the system in a simple way on their own system.
- If the application documents of rejected but generally suitable candidates are to be stored in a talent database subsequently, this is possible only with the consent of the candidates. Also in this context, the information pursuant to Art. 13 and 14 GDPR must be made available to the applicants. On the use of application management software, see "How to use application platforms".

DURING THE INTERVIEWS

- A recording of the interview for subsequent evaluation purposes is not permitted, not even with the applicants' consent.

