
Information on Data Protection – Operational Scanning

3D laser scanning using the mobile laser scanner (NavVis “MLX”)

1. What is this about?

The above-mentioned scanner is used to carry out a digital 3D survey of the existing premises. The NavVis “MLX” is a handheld measuring device used to capture surfaces, objects, buildings and facilities. The result is a so-called “point cloud” combined with 360° panoramic images. The aim is to create a digital twin of the premises. The data obtained can, for example, be further processed into CAD drawings and BIM models, and thus serves documentation and planning purposes.

During the capture, employees, visitors, staff of external companies or other persons may unintentionally appear within the capture area. The capture is not carried out for the purpose of monitoring individuals.

In addition, persons and vehicle license plates are systematically pixelated.

2. Who is responsible?

The controller within the meaning of the General Data Protection Regulation, who determines the purposes and means of the 3D laser scanning, is:

Björn Bünemann Interim-Management + Consulting, In dem Bossel 16, 27711 Osterholz-Scharmbeck, Germany, +49 (0) 162 630 26 72, www.buenemann-laserscan.com

Insofar as personal data is processed exclusively on the instructions of the client, this may constitute data processing on behalf of a controller pursuant to Art. 28 GDPR.

There is no requirement to appoint a data protection officer. Björn Bünemann is responsible for all data protection queries (see contact details above).

3. What data may be captured?

In the context of 3D laser scanning, the following data in particular may be processed:

- 3D point clouds of halls, rooms, facilities, machinery, technical installations, traffic areas, etc., including 360° panoramic images of the captured areas,
- floor plan, room, height, facility and geometry data,
- location and movement data of the scanning system within the building or on the premises,
- incidentally captured images of persons,
- visible name badges, ID cards or job titles,
- visible vehicle license plates,
- visible screen content, whiteboards, notices or documents,
- other personal information, insofar as it is located within the capture area.

4. For what purposes is the data processed?

The processing is carried out exclusively for technical, planning and documentation purposes, in particular for:

- the digital survey of the premises (digital twin),
- creating 3D point clouds,
- creating CAD plans, floor plans, sections and elevations,

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- 2D, 3D or BIM modelling,
 - updating digital twins,
 - technical documentation of buildings, facilities and infrastructure,
 - planning conversions, extensions, refurbishments and maintenance measures,
 - area and space analyses,
 - facility management documentation,
 - project coordination between the client, planners, architects, engineers and specialist departments.

The processing is **not** used for monitoring the behaviour or performance of employees, nor for monitoring individuals.

5. Legal basis for the processing

Depending on the specific project constellation, the processing is based on one or more of the following legal bases:

a) Performance of a contract / carrying out the 3D laser scanning

Insofar as the 3D laser scanning is necessary for the performance of a contract with the client, the processing is based on Art. 6(1)(b) GDPR.

b) Legitimate interest

Insofar as personal data of employees, visitors or other persons is only incidentally captured, the processing is generally based on Art. 6(1)(f) GDPR. The legitimate interest lies in the efficient, precise and up-to-date technical documentation of buildings, facilities and infrastructure.

c) Legal obligations

Insofar as statutory documentation, retention or evidentiary obligations exist, the processing may be based on Art. 6(1)(c) GDPR.

6. What protective measures are taken?

To protect data subjects, the following measures in particular are implemented:

- prior information of employees, visitors and external companies,
- **Posting of this information sheet by the client prior to the start of the capture.**
- coordination of scan times with the client,
- carrying out the scan outside peak times wherever possible,
- avoidance of deliberately capturing persons,
- request to keep the scan area clear during the capture wherever possible,
- removal or covering of sensitive documents, screens and whiteboards,
- restriction of access rights to project participants,
- secure storage and transmission of the data,
- deletion or anonymisation of personal content that is not required,
- pixelation / obscuring of faces, persons and license plates, insofar as necessary and technically possible.

NavVis describes an automated anonymisation feature for processing with NavVis IVION, which can be used to obscure faces, persons and license plates in images and point clouds in order to support data protection requirements such as the GDPR.

7. Who has access to the data?

Only persons and bodies that require the data for the project are given access to it. These may include, for example:

- the client,
- the commissioned 3D laser scanning company,
- project management and responsible specialist departments,
- architecture and engineering firms, BIM coordinators,
- facility management service providers,
- internal or external IT service providers,
- hosting or cloud service providers,
- software providers for processing, visualisation or modelling,
- authorities, courts or insurers, insofar as there is a legal obligation to do so.

Disclosure only takes place insofar as it is necessary for the respective project purpose or a legal obligation exists.

8. Is data transferred to third countries?

Personal data is not transferred to third countries outside the European Union or the European Economic Area.

9. How long is the data stored?

As a standard process, the processed data is deleted four weeks after the scanning process. The specific retention period depends in particular on:

- the project contract or the client's requirements,
- statutory retention periods,
- warranty and liability periods,
- technical documentation obligations,
- the controller's deletion and archiving policies.

Standard practice: raw data, point clouds, image data and models derived from them are deleted, anonymised or archived on a project-related basis after completion of the project, insofar as this is contractually or legally required.

10. Is there automated decision-making or profiling?

No. There is no automated decision-making, including profiling, within the meaning of Art. 22 GDPR.

The captured data is **not** used to automatically evaluate, monitor, control individuals or make decisions about them.

11. What rights do data subjects have?

Under the GDPR, data subjects have, in particular, the following rights:

- right to access pursuant to Art. 15 GDPR,
- right to rectification pursuant to Art. 16 GDPR,
- right to erasure pursuant to Art. 17 GDPR,

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- right to restriction of processing pursuant to Art. 18 GDPR,
 - right to data portability pursuant to Art. 20 GDPR,
 - right to object pursuant to Art. 21 GDPR,
 - right to lodge a complaint with a data protection supervisory authority pursuant to Art. 77 GDPR.

To exercise your rights, please contact the controller named under section 2.

12. Right to object under Art. 21 GDPR

Insofar as the processing is based on Art. 6(1)(f) GDPR, data subjects have the right, on grounds relating to their particular situation, to object at any time to the processing of their personal data.

The objection should be addressed to the controller named under section 2.

In the event of an objection, it will be examined whether compelling legitimate grounds for the processing exist, or whether the processing must be restricted, discontinued, or personal content anonymised.

13. Right to lodge a complaint with a supervisory authority

You have the right to lodge a complaint with a data protection supervisory authority if you believe that the processing of your personal data infringes data protection law.

The competent authority is, in particular, the supervisory authority at the controller's registered office, at the data subject's place of residence, or at the place of the alleged infringement.

Competent supervisory authority: Der Landesbeauftragte für den Datenschutz Niedersachsen (State Commissioner for Data Protection Lower Saxony, LfD Niedersachsen), Prinzenstraße 5, 30159 Hannover, Germany, +49 511 1204500, www.lfd.niedersachsen.de

14. Notes for employees, visitors and external companies

Please note the following during the 3D laser scanning:

1. Please avoid being in the immediate scan area wherever possible.
2. Remove or cover personal or confidential documents.
3. Lock or close screens displaying personal or confidential content.
4. Remove or cover whiteboards, flip charts or notices containing personal information.
5. Inform the project managers if special protected areas are affected.
6. Follow the instructions of the on-site scanning personnel.
7. If you do not wish to be captured, please contact your supervisor before or during the scanning.