

Privacy Policy for Donors

This privacy policy explains how European Sperm Bank GmbH ("ESB" or "we") collects, uses, and discloses information about you as a potential sperm donor.

Controller and contact details

European Sperm Bank ApS

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Phone 38 34 36 00

Email and contact to our Data Protection Officer: dataprotection@europeanspermbank.com

Processing activity	Category of personal data	Purpose	Legal basis	Storage Period
Registration for receiving commercial communication.	Ordinary personal data. Name, email, preferred language, country (based on website country), gender (optional), lead source.	Your data is processed to communicate with you about competitions, helpful tips, and other marketing communications, and to support your potential progression to signing up as a donor.	Ordinary personal data <ul style="list-style-type: none"> GDPR Article 6(1)(a) - Your personal data is processed based on your freely given consent to receive commercial communication (email marketing). Consent to tracking of communication is optional, where applicable. 	We retain your data for up to one year after you provide your consent to receive communications.
Scheduling an appointment through our website.	Ordinary personal data such as name, e-mail, phone number, and birth year.	Your data will be stored in our internal database and our booking system. We will use you contact information to send reminders about your appointment, and to identify you at your booked appointment.	Ordinary personal data <ul style="list-style-type: none"> GDPR article 6(1)(b) - ESB's processing is necessary to take steps at the request of the data subject prior to entering into a contract. GDPR article 6(1)(f) - ESB has a legitimate business interest in processing the personal data to ensure the identity of the potential donor. 	If you do not appear for your booked appointment, we will retain your data for 1 year after which it will be deleted. While storing your data we will contact you in the attempt of scheduling a new appointment.
Screening of sperm quality.	Sensitive personal data in the form of a biological sample and a quality assessment of the sperm sample.	We will process your sperm sample in our lab to screen the quality against our internal requirements for sperm quality.	Sensitive personal data <ul style="list-style-type: none"> The legal basis of processing your sperm sample is the consent you gave when you scheduled your appointment (GDPR article 9(2)(a)) 	Your sample will be discarded after analysis; however, remnant seminal fluid can be found in our waste bags, which is used for research. The assessment of your sperm quality will be deleted after 30 days if it is below ESB requirement.

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Interview and donor application.	<p>Ordinary personal data such as ID (passport, driver's license, or other), name, email-address, phone number, address, occupation, country and city of origin, emergency contact and GP contact, physical appearance, height/weight, behavioural information, family history in three generations (if family history concerns sickness history, the personal data will be categorized as sensitive personal data).</p> <p>Sensitive personal data processed are information about sexual behaviour and ethnicity in four generations.</p>	<p>We will gather various information about you, your health, your behaviour, and your family history to determine if you can be accepted as a donor.</p> <p>We will process your emergency contact information in case you experience a medical emergency while at our premises.</p> <p>We will process your occupation as part of your donor profile.</p>	<p>Ordinary personal data</p> <ul style="list-style-type: none"> GDPR article 6(1)(b) - The processing is necessary to take steps at the request of the data subject prior to entering into a contract. GDPR article 6(1)(c) - The processing is necessary for compliance with a legal obligation to which ESB is subject. The specific legal obligation is the German Sperm Donor Registry Act (in German: Samenspenderregistergesetz) Sections 2(2) and (3) . Please also refer to the separate information sheet on the Sperm Donor Registry Act. GDPR article 6(1)(f) - ESB has a legitimate interest in contacting the potential donor's emergency contact person in case an emergency occurs involving the potential donor, and it is also in the interest of the potential donor. GDPR article 6(1)(f) - ESB has a legitimate interest in processing the potential donor's occupation as this is a part of the donor profile. <p>Sensitive personal data</p> <p>The legal basis for the processing of the sensitive personal data on sexual behaviour and ethnicity is TPG Tissue Regulation (in German: TPG-Gewebeverordnung) Section 6 and Appendix 4. The rules in the TPG Tissue Regulation are lex specialis and therefore take precedence over the rules in the GDPR and the German Data Protection Act.</p>	<p>We are obliged to delete the data after 10 years have expired since the sperm was collected. All data must be deleted immediately if you object in writing or in text form to donor insemination with your semen before it is used.</p> <p>Please note that specific retention periods apply for the recipients of your data. Please refer to the separate information sheet on the Sperm Donor Registry Act.</p>
Physical examination.	Sensitive personal data such as health information and diagnostic pictures from physical examination.	One of our physicians will conduct a full physical examination to determine if you can qualify as a donor. ESB will receive a report from the physician as well as any pictures taken for diagnostic purposes, if applicable.	<p>Sensitive personal data</p> <ul style="list-style-type: none"> The legal basis for the processing of the sensitive personal data on health is the TPG Tissue Regulation (in German: TPG-Gewebeverordnung) Section 5. The rules in the TPG Tissue Regulation are lex specialis and therefore take precedence over the rules in the GDPR and the German Data Protection Act. 	Your data will be stored for 10 years after completion of the physical examination.

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Genetic screening, infectious disease testing, and biochemical analysis of blood and urine.	Sensitive personal data such as results of infectious disease screening, results of genetic screening for specific diseases and biochemical analysis.	We will screen for genetic diseases which can result in disease in donor children. We will test for infectious diseases as these can be transmitted to a woman	<p>Sensitive personal data</p> <p>The legal basis for the processing of the sensitive personal data on health is the TPG Tissue Regulation (in German: TPG-Gewebeverordnung) Section 6 and specifically Appendix 4.</p>	Your data will be stored for 10 years after completion of the physical examination.

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		treated with your sperm. We will conduct biochemical analysis of your blood to evaluate your general health.	The rules in the TPG Tissue Regulation are lex specialis and therefore take precedence over the rules in the GDPR and the German Data Protection Act.	
Donor profile material.	Ordinary personal information such as baby pictures, audio interview, profile, a handwritten note, and a personality test.	We obtain donor profile material necessary for the successful distribution of your donor sperm. The delivery of donor profile material from you to ESB is part of the donor contract which you sign at the initiation of donor recruitment.	Ordinary personal data <ul style="list-style-type: none"> GDPR article 6(1)(b) - The processing of the ordinary personal data is necessary for the performance of a donor contract to which the data subject is party. GDPR article 6(1)(f) - In relation to the processing of other ordinary personal data than what is specifically required for the performance of the donor contract. 	Your donor profile will be stored with us for 30 years following the last distribution of your donor sperm.
Identification via fingerprint.	Sensitive personal biometric data.	We obtain and process your fingerprint to ensure your identity when you make donations at our facilities.	Sensitive personal data. <ul style="list-style-type: none"> The legal basis of processing your fingerprint is the consent you gave in your donor contract (GDPR article 9(2)(a)). 	Your fingerprint will be stored for the duration which you act as an active donor and in the 6 months following your last donation.

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Other general provisions

Recipients of your personal data

- Your donations and data regarding your health will be passed on to fertility clinics and women around the world.
- The information about your donor profile, but not information that identifies you or your family, will be published on the ESB website to allow ESB to market your sperm to our customers.
- Your donations can also be passed on to researchers for scientific research. The legal basis for this is the consent you have given under Article 9 (1). 2 (a) of the GDPR.
- Our data processors - including accredited test laboratories, etc. - have access to your personal data. The data processor's employees are subject to a duty of confidentiality, and the legal basis for the disclosure of your data is the consent you give, as specified in this document.
- If ESB discontinues its activities, the personal data in your donor file will be passed on to another tissue institution to ensure compliance with the traceability requirement laid down in the applicable legal provisions.
- To comply with the legal traceability requirements, we can also pass on your name, national ID number / passport number, contact information and information about your date of birth, place of birth, nationality, education, etc. to a fertility clinic or a national authority.

Transfer to third countries

Our donor program means that your personal data is passed on to recipients in countries outside the EU / EEA. The legal basis for this transfer is a model contract (Standard Contract Clauses), which ESB has entered with the recipient.

Data Protection Officer (DPO)

If you have any questions about our processing of your information, you are always welcome to contact our DPO at dataprotection@europeanspermbank.com. Under the Data Protection Regulation, you have several rights in relation to our processing of information about you. You can read more about your rights in our general Privacy Policy, which you will find at www.europeanspermbank.com.

You have the right to withdraw your consent at any time. If you wish to do so, please contact us at dataprotection@europeanspermbank.com. If you wish to withdraw your consent, it will not affect the lawfulness of our processing of your personal data on the legal basis of the consent previously given by you and up to the time of withdrawal. If you withdraw your consent, it will not become effective until such time. Please note that the nature of the donation of sperm means that even if you withdraw your consent, different legal basis may exist in respect of the further processing of your personal data, including national authority requirements. For example, ESB is required to comply with the requirements for traceability and, therefore, the information in your donor file will be stored to comply with legislative requirements, irrespective of whether you withdraw your consent.

If you wish to complain about the processing of your personal data, you may contact us at dataprotection@europeanspermbank.com. You may also lodge a complaint with data protection supervisory authority.