

This is a translation of the German-language form for information purposes only.
Only the German-language form is legally binding. Do not fill in this sample!

(Here you find the original German form: http://www.uni-bielefeld.de/Universitaet/Ueberblick/Organisation/Verwaltung/Dez_III/DezIII_Dokumente/Beamte/Belehrung2012.doc)

Instructions Regarding Admission to Public Service and Personal Declaration

1. Order According to the German Basic Law

1.1. Instruction

Paragraph 33 of the law on the status of public officials (*BeamtStG*) obliges public officials to acknowledge and actively uphold the free democratic order according to the Basic Law for the Federal Republic of Germany in all their conduct. Accordingly, in line with § 7, Section 1, No. 2 *BeamtStG*, only those who are prepared at all times to uphold the free democratic order according to the Basic Law may be appointed to public office. The applicant's obligation to uphold the free democratic order according to the Basic Law is stipulated in § 3 Section 1 of the Collective Agreement for Federal Employees (*Tarifvertrag für den öffentlichen Dienst der Länder – TV-L*).

As ruled by the Federal Constitutional Court (see Judgments of the Federal Constitutional Court on October 23, 1952 [*1 BvB 1/51 – BVerfGE 2, 1*] and August 17, 1956 [*1 BvB 2/51 – BVerfGE 5, 85*]), the free democratic order according to the Basic Law is an order that excludes any form of despotic and arbitrary rule and presents a governmental system under a rule of law based upon the self-determination of the people as expressed by the will of the existing majority and upon freedom and equality. The free democratic basic order is the opposite of a total state that, as the exclusive holder of power, rejects human dignity, freedom, and equality. The fundamental principles of this order include:

- Respect for the human rights set down in the Basic Law, in particular, the right of life and free personality development, the sovereignty of the people, the division of powers
- The responsibility of the government toward parliament
- The lawfulness of the administration
- The independence of the judiciary
- The majority parties principle
- Equality of opportunities for all political parties
- The right to form and exercise an opposition in accordance with the Basic Law

Participation in any activities directed against these principles is incompatible with the duties of a person in public office.

Lifelong or fixed-term civil servants guilty of committing such a breach of duty will face disciplinary proceedings aimed at removing them from office, and civil servants on probation or subject to withdrawal will face dismissal proceedings.

Employees and workers must anticipate that such activities will result in instant dismissal without notice in line with §§ 623 and 626 *BGB*.

1.2. Declaration of the applicant

I have been instructed as to my obligation to uphold the Basic Law for the Federal Republic of Germany, and that participation in any activity directed against the free democratic order or its fundamental principles is incompatible with the duties of a member of the civil service. On the basis of the instruction I have been given, I hereby declare that I shall always fulfil my obligation of loyalty to the Basic Law, that I accept the principles of the free democratic order according to the Basic Law, and that I am prepared at all times to demonstrate my commitment to the free democratic order according to the Basic Law and to uphold it through my general conduct.

I expressly declare that I in no way support any activity directed against the free democratic order or against any of its fundamental principles.

I am aware that failure to disclose such activities will mean that my appointment or employment contract will be taken to be based on wilful deceit. Wilful deceit shall result in a cancellation of the appointment or nullification of the employment contract.

2. Previous Convictions and Pending Criminal or Preliminary Proceedings

2.1. Instruction

Paragraph 51 Section 1 of the law on the Federal Central Register (of previous convictions) of March 18, 1971 (BGBl. I S. 243) stipulates that an applicant has the right to state that he or she has no previous convictions (as long as there are no objections due to another conviction that has not yet been redeemed or due to a court order) when the record of a conviction or punishment is

1. Not registered in the Federal Central Register (formerly Register of Convictions: *Strafregister*)
2. Does not have to be entered in the certificate of good conduct (*Führungszeugnis*)
3. Is to be redeemed or has already been redeemed

This also holds for convictions that have been pardoned but are not yet redeemed in the Register.

2.2. Declaration

I affirm that I have no previous convictions*
 that I have the following previous convictions:

2.3. Declaration

I affirm that I have no criminal proceedings appending and no preliminary proceedings by the prosecution authorities appending for an indictable misdemeanor or crime either at the present time or within the last three years.

3. Declaration over financial situation

I live within my means and do not have financial difficulties.

4. Declaration over nationality

I affirm that I am a German citizen within the meaning of Article 116 of the Basic Law.*

I have the following nationality: _____ *

5. Declaration

I am aware that the appointment to public office will be rescinded if the office has been gained through willful deceit, and an employment relationship in civil law can be ended by instant dismissal in line with §§ 623 and 626 BGB when the above declarations are not true.

6. Data Processing

- 6.1 Using the library, the *HRZ* (University data centre), and the media centre is only permitted under the respective *Benutzungsordnungen* (regulation of use). The *Benutzungsordnungen* are deposited on the University's web pages under:

http://www.uni-bielefeld.de/hrz/neu/ueber_uns/benutzungsordnung/

<http://www.ub.uni-bielefeld.de/library/help/ordnungen/>

<http://www.uni-bielefeld.de/scm/medientechnik/ausleihe>

[http://www.uni-](http://www.uni-bielefeld.de/Universitaet/Ueberblick/Organisation/Verwaltung/Dez_II/Mitteilungsblatt/Jahrgang_36/nr_03_36.pdf)

[bielefeld.de/Universitaet/Ueberblick/Organisation/Verwaltung/Dez_II/Mitteilungsblatt/Jahrgang_36/nr_03_36.pdf](http://www.uni-bielefeld.de/Universitaet/Ueberblick/Organisation/Verwaltung/Dez_II/Mitteilungsblatt/Jahrgang_36/nr_03_36.pdf)

6.2 Declaration

I hereby acknowledge the above-mentioned *Benutzungsordnungen* (regulations of use).

7. Processing of personal data

7.1 Notification

The central personnel and appointment administration at Bielefeld University applies an automated data processing system. According to § 16 of the current service agreement, you are hereby notified that data on your person and your employment relationship (e.g., name, date of birth, type and duration of employment relationship) will be processed electronically for the purpose of personnel administration and management. Upon application, you will receive a complete listing of the data saved.

Within the framework of the data processing agreement, data will, among others, be forwarded to the state salaries and pensions office (*Landesamt für Besoldung und Versorgung, LBV*) for the payment of earnings. The bank details saved in this context will be used simultaneously for payment of possible fringe benefits (e.g., travel costs or civil service benefits [*Beihilfe*]).

The personnel department (*Personaldezernat*) should be notified immediately of any changes in personal data.

7.2 Declaration

I acknowledge receipt of the above notification; I do not object to my personal data being processed for the above-mentioned purposes.

City, Date

Family name, First name (in block letters)

Signature

* Delete as appropriate

(Bielefeld University /One copy each for the employee and for the personnel file)