

PRIVACY NOTICE FOR our clients (m/f/d)

How we handle your data and your rights

INFORMATION PURSUANT TO ARTICLES 13, 14 AND 21 OF THE GENERAL DATA PROTECTION REGULATION (GDPR)

The following information provides you, as a client (m/f/d), with an overview of how we process your personal data and your rights.

If you, as our client, are not a natural person, please forward this information to the individuals whose personal data we process, as they are our points of contact or are mentioned on documents such as invoices and deeds.

Who is responsible for data processing and who can I contact?

The data controller is

Notaries Dr Edgar Küperkoch & Dr Ulrich Temme

Kaiserswerther Straße 107

40476 Düsseldorf

0211-4976730

notar@kueperkoch-temme.de

You can contact our Data Protection Officer at:

GDI Gesellschaft für Datenschutz und Informationssicherheit mbH

Mr Dipl.-Inform. Olaf Tenti

Alter Schloßweg 30, 58119 Hagen

Telephone: +49 (0) 2331/356832-0

Email: datenschutz@gdi-mbh.eu

1. What sources and data do we use?

We process data that you provide to us or that we have received from third parties, e.g. from solicitors, estate agents or credit institutions commissioned by you, in the course of the relevant official proceedings or with your permission. Furthermore, we also collect personal

data from publicly accessible sources, e.g.: property data from the Land Registry, register data from the Commercial Register.

In addition, we collect data from other sources, e.g. from creditors. However, this is done only at your prior request and for the purpose of processing your specific enquiry or to fulfil legal obligations or official duties.

In particular, the following personal data and categories of data are processed for the purposes set out in section 3:

- Data relating to you (e.g.: title, first name, surname, address, telephone number, email address, nationality, registration numbers, marital status)
- Data relating to persons you represent (e.g.: title, first name, surname, address, date of birth, place of birth, family relationship, nationality, marital status, registration numbers)
- Content of declarations to be certified
- Data relating to financial circumstances (e.g. property ownership, other rights to land, business interests, income, insurance policies, etc.)
- Data relating to contracts (e.g.: in the case of property purchase agreements, your tax identification number; where necessary, details of your family situation or financial circumstances, or other sensitive data such as health data)
- Payment information such as bank details or data for internet-based payment services
- Legal relationships with third parties (e.g.: reference numbers, account or credit card numbers, contracts)

Depending on the case, we may also process special categories of personal data within the meaning of Article 9(1) of the GDPR.

1. Why do we process your data (purpose of processing) and on what legal basis?

Below, we inform you about the purposes for which and the legal basis on which we process your data.

3.1 IN THE CONTEXT OF PERFORMING A TASK ENTRUSTED TO US IN THE PUBLIC INTEREST OR IN THE EXERCISE OF OFFICIAL AUTHORITY (ART. 6)

1(e) of the GDPR)

The processing of personal data takes place for the purpose of carrying out notarial activities in accordance with official duties, in particular for the drafting of deeds, the provision of advice and the execution of deeds, the execution of notarial acts and the preparation of fee invoices; the processing of personal data is necessary for the provision of advice.

3.2 on the basis of legal requirements (Art. 6(1)(c) GDPR)

We are subject to various legal obligations to carry out certain data processing activities (e.g. the professional and procedural legal provisions applicable to notaries under the Federal Notaries' Code and the Notarisation Act).

3.3 ON THE BASIS OF A BALANCING OF INTERESTS (ART. 6(1)(f) GDPR)

We may also use your data on the basis of a balancing of interests to safeguard our legitimate interests or those of third parties. This may take place in particular for the following purposes:

- Supporting our staff in client care
- Asserting legal claims and defending against legal disputes
- Preventing and investigating criminal offences
- Ensuring IT security and IT operations

Our interest in the respective processing arises from the respective purposes and is, moreover, of an economic nature (efficient performance of tasks, avoidance of legal risks). Where the specific purpose permits, we process your data in a pseudonymised or anonymised form.

3.4 on the basis of your consent (Art. 6(1)(a) GDPR)

Where you have given us your consent to the processing of personal data, that consent forms the legal basis for the processing specified therein. Consent may be withdrawn at any time. This also applies to the withdrawal of declarations of consent given prior to the entry into force of the GDPR, i.e. before 25 May 2018. The withdrawal only takes effect for the future. Processing carried out prior to the withdrawal is not affected. A withdrawal may be made to the body named in section 1.

1. Who receives my data?

Your data will only be disclosed where a legal basis permits this. The data referred to in section 2 will be transferred to public authorities where there is a legal obligation to do so or where you have given your consent to such transfer. Such public authorities may include, in particular, other notaries, the tax authorities, the registry courts, the Land Registry, the Central Register of Wills, the Central Register of Lasting Powers of Attorney and the Chamber of Notaries.

Data will only be transferred to private third parties to fulfil your specific request and only at your instigation.

Within our organisation, your data will only be received by those departments that require it to fulfil our contractual and legal obligations or to carry out their respective tasks.

Furthermore, personal data may be passed on to IT service providers or similar for the purpose of order processing. This is necessary to fulfil contractual obligations (see section 3). In addition, processors engaged by us (Art. 28 GDPR), particularly in the field of IT services, notary software providers, web hosts and NotarNet GmbH, may process your data on our behalf in accordance with our instructions.

1. How long is the data stored?

For notarial deeds and other documentation relating to notarial matters, the retention periods set out in the Service Regulations for Notaries (DONot) and in accordance with Section 50(1) of the Regulation on the Keeping of Notarial Files and Registers (NotAktVV) apply, namely:

- 100 years for the register of deeds, electronic collection of deeds, collection of inheritance contracts and special collections,
- 30 years for the paper-based collection of deeds, custody register and general files,
- 7 years for collective files for protested bills of exchange and cheques and ancillary files, whereby the notary may specify a longer retention period in writing at the latest upon the last substantive processing, e.g. in the case of dispositions of property upon death or where there is a risk of recourse; such a provision may also be made generally for individual types of legal transactions.

Furthermore, we are subject to various retention and documentation obligations arising, inter alia, from the German Commercial Code (HGB) and the German Fiscal Code (AO). The retention and documentation periods specified therein range from two to ten years.

Finally, the storage period is also determined by the statutory limitation periods, which, for example, under Sections 195 et seq. of the German Civil Code (BGB) are generally three years. This applies to contractual and other data relating to the legal relationship between you and us.

1. Is data transferred to a third country?

Your data will only be transferred to countries outside the European Economic Area (EEA) (third countries) if and to the extent that this is necessary for the performance of the contractual relationship or required by law (e.g. accounting, administration), or if you have given us your consent.

Where we use software from providers based in third countries or software from providers with subcontractors/service providers in third countries to carry out notarial activities, your data or parts of your data may – depending on the purpose of processing – be transferred to third countries (e.g. to the USA).

An adequacy decision within the meaning of Article 45(3) of the GDPR exists for the USA. Personal data from the EU may therefore be transferred with immediate effect to companies and organisations in the USA that have certified themselves under the EU-US Data Privacy Framework, without further protective measures being required. This adequacy decision therefore serves as the basis for data transfers to the service providers we use in the USA.

If no adequacy decision within the meaning of Article 45(3) of the GDPR is in place, or if the company or organisation in the USA has not certified itself under the EU-U. Data Privacy Framework, we conclude standard data protection clauses issued by the European Commission within the meaning of Article 46(2)(c) of the GDPR with the respective service providers/suppliers to protect your data.

Furthermore, some of our service providers have implemented binding corporate rules (BCRs) within the meaning of Article 47 of the GDPR for their group of companies or the same group of companies, which have been approved by the relevant supervisory authority.

1. What other data protection rights do I have?

Subject to the relevant legal requirements, you have the right to access (Art. 15 GDPR, Section 34 of the Federal Data Protection Act – BDSG), to rectification (Art. 16 GDPR), to erasure (Art. 17 GDPR, Section 35 BDSG), to restriction of processing (Art. 18 GDPR), to object (Art. 21 GDPR) and to data portability (Art. 20 GDPR).

The above rights apply only to the extent that they are not precluded by the notarial duty of confidentiality pursuant to Section 18 of the German Notaries' Act (BNotO) (cf. Section 29(1) sentence 2 BDSG).

Furthermore, you have the right to lodge a complaint with the competent data protection supervisory authority (Art. 77 GDPR, Section 19 BDSG).

1. To what extent is automated decision-making used in individual cases?

We do not use automated decision-making in accordance with Article 22 of the GDPR to carry out notarial activities. Should we use such procedures in individual cases, we will inform you of this separately, provided this is required by law.