

## Information about the handling personal data by K&L Gates LLP notaries

### 1. Who is responsible, whom can you contact?

We, notary Dr. Christof Hupe and notary Alexander Kollmorgen, both with official office in Berlin and notary Kerstin Hanke and notary Dr. Christian Büche, both with official office in Frankfurt am Main are responsible for the processing of your personal data. Each of the above-mentioned notaries is the sole responsible person for the area for which he is responsible in the sense of the data protection regulations. You can contact the responsible notary or our data protection officer for all data protection inquiries as follows:

	Person in charge	Data protection officer
Postal address	Notar Dr. Christof Hupe Notar Alexander Kollmorgen Markgrafenstr. 42, 10117 Berlin  Notarin Kerstin Hanke Notar Dr. Christian Büche OpernTurm, Bockenheimer Landstraße 2-4, 60306 Frankfurt am Main	K&L Gates Datenschutzbeauftragter Markgrafenstr. 42 10117 Berlin
Telephone	+49.(0)30.220.029.0 (Berlin) +49.(0)69.945.196.0 (Frankfurt)	+49.(0)30.220.029.0
Telefax	+49.(0)30.220.029.499 (Berlin) +49.(0)69.945.196.499 (Frankfurt)	+49.(0)30.220.029.499
E-Mail	<a href="mailto:christof.hupe@klgates.com">christof.hupe@klgates.com</a> <a href="mailto:alexander.kollmorgen@klgates.com">alexander.kollmorgen@klgates.com</a> <a href="mailto:kerstin.hanke@klgates.com">kerstin.hanke@klgates.com</a> <a href="mailto:christian.bueche@klgates.com">christian.bueche@klgates.com</a>	datenschutz@klgates.com

### 2. Which data do we process and where does the data come from?

We process personal data that we receive from you or from third parties appointed by you (e.g. lawyer, tax consultant, broker, credit institution), e.g.

- Personal data, e.g. first and last name, date and place of birth, nationality, marital status; in individual cases your birth register number;
- Contact information, such as postal address, telephone and fax numbers, e-mail address;
- Your tax identification number for real estate contracts;
- In certain cases, e.g. marriage contracts, wills, inheritance contracts or adoptions, also data on your family situation and your assets as well as information on your health or other sensitive data, e.g. because this serves to document your legal capacity;
- In certain cases also data from your legal relationships with third parties such as file numbers or loan or account numbers at credit institutions.

We also process data from public registers, e.g. land register, trade and association registers.

### **3. For what purposes and on what legal basis will the data be processed?**

As notaries, we hold a public office. Our official activity takes place in the exercise of a task which is in the interest of the general public in the proper administration of justice and thus in the public interest, and in the exercise of official authority (Art. 6 (1) S. 1 lit. e GDPR).

Your data will only be processed in order to carry out the notarial activity requested by you and, if applicable, other persons involved in a transaction in accordance with our official duties, i.e. for the preparation of draft deeds, for notarisation and the execution of deed transactions or for the performance of consultations. The processing of personal data therefore always takes place only on the basis of the professional and procedural provisions applicable to us as notaries, which essentially result from the *Bundesnotarordnung* and the *Beurkundungsgesetz*. These provisions also give us the legal obligation to process the necessary data (Art. 6 (1) sentence 1 lit. c GDPR). Failure to provide us with the data requested from you would therefore mean that we would have to reject the (further) execution of the official transaction.

### **4. To whom do we disclose data?**

As a notary, we are subject to a statutory duty of confidentiality. This duty of confidentiality also applies to all of our employees and other persons commissioned by us.

We may therefore only pass on your data if and to the extent that we are obliged to do so in individual cases, e.g. on the basis of notification obligations to the tax authorities, or to public registers such as land registry office, commercial or association register, central register of wills, register of precaution, courts such as probate, care or family court or authorities. Within the framework of professional and service supervision, we may also be obliged to provide information to the Chamber of Notaries or our service supervisory authority, which in turn are subject to an official duty of confidentiality.

Otherwise your data will only be passed on if we are obliged to do so on the basis of declarations made by you or if you have requested the transfer.

### **5. Is data transferred to third countries?**

Your personal data will only be transferred to third countries upon special request from you or if and insofar as a party to the document is resident in a third country. However, some of the recipients of personal data referred to in paragraph 4 may be located in a country outside the European Union. These countries may have a different level of data protection than in the European Union. We will only forward your personal data to these offices if an adequacy decision by the EU Commission is available (Art. 45 GDPR), this is expressly necessary for processing a request by you (Art. 49 (1) sentence 1 lit. b GDPR) or if we have taken appropriate measures to ensure an appropriate level of data protection with the receiving office (Art. 46 GDPR). If you have any questions about these measures, you can contact us at [datenschutz@klgates.com](mailto:datenschutz@klgates.com)

## 6. How long will your data be stored?

We process and store your personal data within the scope of our legal storage obligations.

According to § 5 (4) *Dienstordnung für Notarinnen und Notare* (DONot), the following retention periods apply to the safekeeping of notarial documents:

- 100 years for the role of deeds, list of inheritance contracts, list of names for the role of deeds and collection of deeds including the inheritance contracts kept separately (§ 18 Paragraph 4 DONot);
- 30 years for custody book, mass book, list of names for mass book, list of escrow accounts, general files;
- seven years for the ancillary acts; the notary may specify a longer retention period in writing at the latest at the time of the last processing of the content, e.g. in the event of orders for death or in the event of the risk of recourse; the provision may also generally be made for individual types of legal transactions, e.g. for orders for death.

After expiry of the storage periods, your data will be deleted or the paper documents destroyed, unless we are obliged to store them for a longer period of time in accordance with Article 6 (1) sentence 1 lit. c GDPR due to tax and commercial law storage and documentation obligations (from the German Commercial Code, Criminal Code, Money Laundering Act or the Fiscal Code) and professional law regulations for the purpose of the collision check.

## 7. What rights do you have?

You have the right:

- to request information as to whether we process personal data about you, if so, for which purposes we process the data and in which categories we process personal data from you, to whom the data may have been forwarded, how long the data may be stored and what rights you are entitled to;
- to have any inapplicable personal data concerning you that is stored by us corrected. You also have the right to have us complete an incomplete data record stored by us;
- to request the deletion of your personal data if there is a legal reason for deletion (cf. Art. 17 GDPR) and the processing of your data is not required for the fulfilment of a legal obligation or for other priority reasons within the meaning of the GDPR;
- to require us to process your data only to a limited extent, e.g. to assert legal claims or for reasons of important public interest, while we examine your claim for correction or objection, for example, or if we reject your claim for deletion (cf. Art. 18 GDPR);
- to object to the processing if it is necessary to enable us to perform our duties in the public interest or to exercise our public office if there are grounds for opposition arising from your particular situation;
- Appeal to the supervisory authorities with a data protection complaint. The supervisory authority responsible for notaries with official office in Berlin is the

*Berliner Beauftragte für Datenschutz und Informationsfreiheit*, Friedrichstr. 219, 10969 Berlin, phone: +49 30 13889-0, fax: +49 30 2155050, E-mail: [mailbox@datenschutz-berlin.de](mailto:mailbox@datenschutz-berlin.de)

The supervisory authority responsible for notaries with official office in Frankfurt am Main is the *Hessische Beauftragte für Datenschutz und Informationsfreiheit*, Postfach 3163, 65021 Wiesbaden, phone: +49 611 1408-0, fax: +49 611 1408-900/901, e-mail: [poststelle@datenschutz.hessen.de](mailto:poststelle@datenschutz.hessen.de).

- The complaint may be lodged with any supervisory authority, irrespective of its competence.