

## Information on data processing in the office of the notaries Dr. Tim Becker, Hans-Otto Döll, Stefanie Eisele and Dirk Langner in Darmstadt

The aforementioned notaries process personal data, such as name, address, telephone number and e-mail address of the parties involved in the deed or - in the case of companies - of the people employed by them, in the course of preparing and processing deeds. This processing is carried out in accordance with the legal requirements, in particular the General Data Protection Regulation (GDPR), the Federal Data Protection Act (BDSG) and the Hessian Data Protection and Freedom of Information Act (HDSG). In accordance with Art. 12 - 14 GDPR, we therefore state the following privacy policy:

### 1. Name and address of controller

The responsible party (controller) within the meaning of the General Data Protection Regulation ("GDPR"), other data protection laws applicable in the Member States of the European Union and other data protection provisions:

Notary Dr Tim Becker  
Holzhofallee 15a  
64295 Darmstadt  
Tel.: 06151 - 99360  
[www.moogpartner.de](http://www.moogpartner.de)

Notaries Stefanie Eisele, Dirk Langner und Hans-Otto Döll  
Kasinostraße 2  
64293 Darmstadt  
Tel.: 06151 – 501150  
[www.moogpartner.de](http://www.moogpartner.de)

(hereinafter: "Notaries").

### 2. Name and address of the data protection officer

The notaries have appointed as data protection officer:

Marc Oliver Giel  
Lagerstraße 11a  
64807 Dieburg  
E-mail: [giel@datamog.de](mailto:giel@datamog.de)

### 3 Scope of data collection

In the course of processing the notarisation mandate, we collect the following personal data from the parties involved:

- Name
  - Date and place of birth
  - Number of identity card
  - Type of company, management
  - Commercial register number
  - Business address
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- Business telephone and fax
- Private telephone and fax
- Private e-mail address
- Bank data
- Way of learning about the notaries (recommendation, website, or similar)
- Tax number / tax office
- Tax identification number
- Value added tax identification number
- Entitlement to deduct input tax
- Business purpose and seat
- Nationality
- Religion, sex, profession
- All information that the notaries require in each case to fulfil the certification mandate; this may also include sensitive data within the meaning of Art. 9 GDPR, e.g. health data.

If the party is a legal entity, some of these details may relate to natural persons employed by the party or to organs of the party.

Depending on the certification mandate, it may also be the case that we record information on the personal details of other parties involved. These are usually names, possibly dates of birth, possibly details of the company form and management, commercial register number, address details and contact details (telephone, fax).

In addition, we usually learn many personal details in the course of the contractual relationship, some of which we also process, e.g. by including them in a draft deed.

We assign you a responsible notary as well as a client number and one or more file names. We also record the type of order (notarial mandate) and details of the invoice type. For accounting we assign specific invoice numbers to the participants and process them.

#### **4. Mandatory information**

As long as no mandate has been issued, you do not have to provide any of the information mentioned above. However, it may not be possible to establish a notary-client relationship if we do not have at least information about your name and, when required, the name of the other parties involved in the deed for the purpose of a preliminary examination.

In the contractual relationship, you are obliged to provide the information we need in order to fulfil our identification obligations and to be able to process the mandate. This includes, in particular, your name and contact details, but also details of the matter on which we are advising or representing you.

You must provide us with certain details to confirm your identity in accordance with the Money Laundering Act as well as for a prior involvement and conflict of interest check (name, trade register number, details of the opponent, dates of birth, identity card details). Without these we cannot accept the mandate.

Information on further contact details such as, in particular, the e-mail address and telephone number are not absolutely necessary for the execution of the assignment, but they facilitate our work. The same applies to the designation of a specific, fixed contact person at companies along with their name and contact details.

Information you provide to receive a newsletter is voluntary and can be revoked at any time. You will then no longer receive a newsletter.

## 5. Purposes of data processing

The notaries use the personal data of the parties involved or the data of the natural persons working there for the processing of the certification mandate, for accounting purposes and for advertising measures.

### a. Data processing in the processing of the mandate

We collect most of the data in order to be able to fulfil the commissioned mandate.

The data we need for this often depends on the content of the mandate.

In particular, this includes contact details, personal data as well as various information from your private and business life. We also process your details about other parties involved for the purpose of processing the order.

### b. Data processing for reasons of legal obligations

In order to be able to conduct their official business, the notaries process your name as well as any commercial register number for the purpose of checking a prior involvement in accordance with § 3 German Notarisation Act (BeurkG). Date and place of birth, identity card number, company form as well as data on the management are recorded by the notaries in order to fulfil their obligations under the Money Laundering Act.

### c. Data processing for accounting purposes

For accounting purposes we use information on the processing of the mandate regarding our performance records, name, address and bank data of the parties involved and, when required, the name of a contact person at the party involved. In some cases, your VAT identification number and details of your entitlement to deduct input tax are also used for invoicing purposes.

### d. Data processing for advertising purposes

For the purpose of advertising, we use the e-mail address and the name of the person entitled to the e-mail address if the legal requirements for contact are met.

## 6. Recipients of the data

The notaries or their team process the personal data provided to us.

Your data will be stored in the central document management system (software of the company DATEV) as well as partly in hand files, if these have to be created due to (notarisation) appointments or otherwise for mandate work.

Within the scope of our notarial official activities, we are legally obliged or commissioned by you to pass on some of your data to third parties.

These are, in particular, register courts (land registry office, commercial register, register of associations), the Central Register of Wills, the Central Register of Power of Attorneys, financial authorities, the Chamber of Notaries, to which we belong, within the framework of the professional supervision exercised by it in accordance with § 74 of the Federal Code of Notaries and the notaries' supervisory authorities within the meaning of § 92 of German Notarisation Act within the framework of the supervision exercised by them.

Furthermore, we pass on your data to the necessary extent to other parties or their legal representatives, to other notaries involved and to third parties who have to cooperate in the legal success you want. These are, for example, banks or property managers.

For information on the processing of your data by the above-mentioned authorities and agencies, please refer to their respective data protection declarations.

For the purpose of destroying files, we pass your data on to a janitorial service after completion of the order and expiry of the statutory retention obligations, who destroys the files for us within the scope of an assignment.

## **7. Legal basis for processing**

We are obliged to store your personal data in accordance with § 28 of the German Notarisation Act in conjunction with § 15 of the Service Regulations for Notaries in Hesse (hereinafter: DNotO). The right to store data is derived from Art. 17(3)(b) GDPR.

Furthermore, we have to store personal data in order to be able to process statutory checks of prior involvement.

Insofar as the processing of personal data is necessary for the fulfilment of a legal obligation, e.g. under the Money Laundering Act, to which we are subject, Art. 6(1) sentence 1 lit. c) GDPR serves as the legal basis.

Insofar as we exceptionally obtain the consent of the data subject for processing operations involving personal data, Art. 6 (1) sentence 1 lit. a) GDPR serves as the legal basis. We use this option in particular when ordering a newsletter or if a party wishes to be informed about events organised by the notaries.

If vital interests of the data subject or another natural person make it necessary to process personal data, Art. 6 (1) S. 1 lit. d) GDPR serves as the legal basis.

If the processing is necessary to protect a legitimate interest of our company or a third party and if the interests, fundamental rights and freedoms of the data subject do not outweigh the first-mentioned interest, Art. 6 (1) p. 1 lit. f) GDPR serves as the legal basis for the processing. The legitimate interest of our company lies in the performance of our business activities. We need this basis in particular to process personal data of persons who are employed by participants.

## **8. Duration of the storage of personal data**

We store your personal data for the entire duration of our respective notarial activity and subsequently for the duration of statutory retention periods. The duration of data storage results from § 5 Paragraph 4 in conjunction with § 17 DNotO. 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 pursuant to Art. 6 (1) sentence 1 letter c) GDPR due to tax and commercial law storage and documentation obligations (for example from the German Commercial Code, Criminal Code, Money Laundering Act or the German Fiscal Code).

After expiry of the statutory period, the data is routinely deleted, unless it is required for the initiation of an order, the fulfilment of an order or for a statutory preliminary examination.

If the data processing is based on your consent, we delete your data immediately after revocation of the consent, unless there is another legal basis for the deletion (Art. 17 para. 1 b) GDPR).

Personal data may remain stored if necessary to fulfil or defend legal claims. In this case, the processing of

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personal data is restricted in accordance with Art. 18 GDPR.

### **9. No profiling and no other automated decision making**

We do not subject your data to automated decision-making. In particular, no profiling takes place.

### **10. Transfer of data to bodies in third countries and NGOs**

As a general rule, we do not share your data with bodies in countries outside the EU. However, in exceptional cases, we may share data with our partners in the international MSI or Eurojuris network. In this case, we ensure that data protection is observed and, if necessary, obtain your consent.

### **11. Rights of the data subjects**

If your personal data are processed, you are considered a data subject within the meaning of the GDPR. You are therefore entitled - as a data subject - to the following rights under the GDPR against the notaries as data controllers:

#### **12. Right to information**

You may request confirmation from us whether personal data concerning you are being processed by us. If such processing is taking place, you can request information from us about:

- the categories of personal data which are processed;
- the purposes for which this is done;
- the recipients or categories of recipients of your data;
- the planned storage period or, if concrete details are not possible, criteria for this period;
- your rights to rectification, erasure and restriction of personal data concerning you, to object to processing and to lodge a complaint with a supervisory authority;
- any available information about the origin of the data if they do not originate from you,
- information on any automated decision-making; and
- the question of whether your personal data have been or will be transferred to a third country or to an international organisation as well as, when required, information on the appropriate guarantees pursuant to Art. 46 of the GDPR that ensure data security abroad.

Information rights may be restricted for reasons of professional secrecy, § 29 para. 1 p. 2 BDSG.

#### **13. Right to rectification**

You have a right against us to rectification and/or completion if the personal data processed concerning you is inaccurate or incomplete. The notaries as data controllers shall carry out the rectification without delay.

#### **14. Right to restriction of processing**

In the following cases, you may request the notaries to restrict the processing of personal data relating to you:

- You dispute the accuracy of the personal data - the restriction is for a period of time that allows the notaries to verify the accuracy.
- The processing is unlawful and you object to the erasure and request the restriction instead.
- The notaries no longer need the personal data for the purposes of processing, but you need them to assert, exercise or defend legal claims.
- You object to the processing in accordance with Art. 21(1) GDPR and it is not yet clear whether the

legitimate reasons of the controller outweigh your reasons.

In the event of restriction of processing, the data may remain stored, but otherwise may only be processed with your consent or for the assertion, exercise or defence of your own or third party legal claims, as well as for reasons of an important public interest of the Union or a Member State. You will be informed before any restriction is lifted.

## 15. Right to erasure

You may, subject to the exceptions contained in this notice, require notaries to erase personal data relating to you without undue delay where one of the following reasons applies:

- The data are no longer necessary for the purposes for which they were processed.
- You withdraw your consent on which the processing was based and there is no other legal basis for the processing (Art. 17 (1) (b) GDPR).
- You object to the processing and there are no overriding legitimate reasons for the processing, or none at all (Art. 21 (1) and (2) GDPR).
- The data have been processed unlawfully.
- The erasure of the data is necessary for compliance with a binding legal obligation under Union or Member State law.
- The data concern minors and were collected in relation to information society services (Art. 8 (1) GDPR).

If the notaries as data controllers have made the personal data concerning you public and the notaries are obliged to delete it according to GDPR, the following applies:

The notaries shall take reasonable steps, taking into account the available technology and the cost of implementation, to inform data controllers which process the personal data that you, as data subject, have requested the erasure of all links to, or copies or replications of, such personal data.

The right to erasure does not exist if the processing is necessary

- for the exercise of the right to freedom of expression and information;
- for compliance with a legal obligation which requires processing under Union or Member State law to which the notaries are subject, or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the notaries;
- for reasons of public interest in the area of public health in accordance with Art. 9 (2) lit. h and i as well as Art. 9 (3) GDPR;
- for archiving purposes in the public interest, scientific or historical research purposes or for statistical purposes pursuant to Art. 89 (1) GDPR, insofar as the erasure is likely to render impossible or seriously prejudice the achievement of the purposes of such processing, or
- for the assertion, exercise or defence of legal claims.

## 16. Right to information

If you have asserted the right to rectification, erasure or restriction of processing against the notaries, the notaries are obliged to inform all recipients to whom the personal data concerning you have been disclosed of this rectification or erasure of the data or restriction of processing, unless this proves impossible or involves a disproportionate effort. You may request to be informed about these recipients.

## 17. Right to data portability

You have the right to receive the personal data concerning you that you have provided to the notaries as data controller in a structured, common and machine-readable format. You also have the right to transfer this data to another data controller or to have them transferred directly by us. However, these rights only apply if

- the processing by the notaries is based on consent or on a contract and
- the processing is carried out with the aid of automated procedures.

The right to data portability does not apply to processing of personal data necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in notaries. It shall also not restrict the rights and freedoms of other persons.

## **18. Right of objection**

You have the right to object at any time to the processing of personal data relating to you on which we base our legitimate interests (Article 6(1)(e) or (f) GDPR). According to the wording of the GDPR, this requires that you base this objection on reasons arising from your particular personal situation.

In the event of a thorough objection, the notaries will no longer process the personal data concerning you, unless the notaries can demonstrate compelling legitimate reasons for the processing which override your interests, rights and freedoms, or the processing by the notaries serves the assertion, exercise or defence of legal claims.

If the personal data concerning you are processed for the purpose of direct marketing, you have the right to object to the processing at any time, without it being necessary to weigh up your interests against ours.

In the event of a justified objection, we will no longer process your data.

You have the option of exercising your right of objection by means of automated procedures, e.g. by using the Internet.

## **19. Right to revoke the declaration of consent under data protection law**

You have the right to revoke any declaration of consent granted to us under data protection law at any time. The revocation of the consent does not affect the lawfulness of the processing carried out on the basis of the consent until the revocation.

## **20. Automated decision in individual cases**

You have the right not to be subject to a decision based solely on automated processing which produces legal effects concerning you or affects you significantly in a similar way. This does not apply if the decision

- is necessary for the conclusion or performance of a contract between you and the notaries;
- is permitted by legal provisions of the Union or the Member States to which the notaries are subject and these legal provisions contain appropriate measures to safeguard your rights and freedoms as well as your legitimate interests; or
- is done with your express consent.

In the case of automated decision-making for the conclusion or performance of a contract, the controller shall also take protective measures for the benefit of the data subjects, including at least the right to obtain the intervention of a person from the controller, to express his or her point of view and to contest the decision.

Automated decisions may only concern special categories of personal data, such as health data or data

concerning religious beliefs, if the processing is based on Art. 9(2)(a) or (g) and appropriate measures have been taken to protect the data subjects.

## **21. Right to complain to a supervisory authority**

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your residence, place of work or the place of the alleged infringement, if you consider that the processing of personal data relating to you infringes the GDPR. In the Federal State of Hesse, the Hessian Commissioner for Data Protection and Freedom of Information, Gustav-Stresemann-Ring 1, 65189 Wiesbaden, has been appointed as the supervisory authority.

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