

Privacy policy for opponents and their employees

MOOG Partnerschaftsgesellschaft mbB (hereinafter also referred to as "MOOG") processes personal data also of the opposing party and, where required, their employees and bodies within the scope of our client's mandate. This processing is carried out in accordance with the legal requirements, in particular the General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG). 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 provisions of a data protection nature is:

MOOG Partnerschaftsgesellschaft mbB
Steuerberater, Rechtsanwälte, Wirtschaftsprüfer, vereidigte Buchprüfer
(Tax Advisers, Lawyers, Public Auditors, Sworn Auditors)
Holzhofallee 15a
64295 Darmstadt
Tel.: 06151 - 99360
www.moogpartner.de

2. Name and address of data protection officer

We have appointed as data protection officer:

Marc Oliver Giel
Lagerstrasse 11a
64807 Dieburg
E-mail: giel@datamog.de

3. Categories of data we process

The data we process depends on the facts of the case and the mandate. In the course of our assignments, we generally process the following categories of personal data that we receive from our client:

- Personal data (e.g. name, address)
- Contact data (e.g. address, e-mail address, telephone number)
- Where required, contractual data from the contract with our client (e.g. start of employment relationship, details of a purchase, income or salary data)
- Where required, contact details of the lawyer instructed
- Where required, bank data for the settlement of receivables (e.g. IBAN, BIC)
- Information on the facts of the case on which we represent and advise our clients.
- In individual cases, we may also process special categories of personal data (e.g. religious denomination for income tax, health data).

4. Purpose of data processing

MOOG processes the personal data of the opposing party as well as any employees of this party for client work, i.e. for the fulfilment of the mandate given to us by our client. In addition, we process opposing party data in order to check for a conflict of interest pursuant to Section 43a (4) Federal Code for Lawyers (Bundesrechtsanwaltsordnung, hereinafter referred to as BRAO) and to comply with other statutory requirements, e.g. on retention periods.

5. Data recipients

We pass on the personal data of which we become aware in the course of a mandate to our client insofar as this is necessary for the processing of the mandate.

In the context of order processing contracts in accordance with Art. 28 GDPR, MOOG also uses order processors which MOOG has carefully selected, in particular with regard to the security of data and data protection conformity of the processing. For example, MOOG works with Zoho Corporation B.V., Beneluxlaan 4B, 3527 HT Utrecht, the Netherlands, for mandate management and with Zoho Corporation PVT. LTD, Estancia IT Park, Plot No. 140 & 151, GST Road, Vallancherry Village, Chengalpattu Taluk, Kanchipuram District 603 202, India. Both service providers process personal data on behalf of and under strict instructions from MOOG. MOOG also uses a cloud service provided by the contractor HKN GmbH, Hochstadenstr. 5, 47829 Krefeld, Germany, for the secure exchange of data with our clients. HKN has instruction-bound access to the data within the framework of a contract processing agreement and uses servers in Germany. In addition, MOOG uses a wiki solution for internal data processing and data exchange with clients, which is hosted by kreuzwerker GmbH, Ritterstr. 12-14, 10969 Berlin. kreuzwerker also has access to the data in accordance with instructions; kreuzwerker uses servers in Germany.

For the destruction of files after the end of the mandate and the expiry of the statutory retention obligations, MOOG gives the hard files to a janitorial service, which destroys the files for us within the scope of an assignment.

If necessary, we also pass on personal data of clients and opponents to state authorities, e.g. public prosecutors' offices and courts.

6. Legal basis for processing

Insofar as the processing of personal data is necessary for the fulfilment of a legal obligation to which we are subject, Article 6 (1) p. 1 lit. c) GDPR serves as the legal basis, e.g. insofar as legal storage obligations exist. If the processing is necessary to protect a legitimate interest of our company or a third party and the interests, fundamental rights and freedoms of the data subject do not outweigh the first-mentioned interest, Article 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, i.e. advising and representing our clients. In this context, we assume that in the interest of the administration of justice, our interest in processing the opponents' data outweighs the interest of the data subjects, especially since MOOG limits itself to the necessary data.

7. Duration of the storage of personal data

Personal data is stored for the duration of the assignment and subsequently for the duration of statutory retention periods.

All lawyers' files must be kept for six years in accordance with Section 50 (1) BRAO, and all tax advisors' files must be kept for 10 years in accordance with Section 66 (1) Federal Tax Consultancy Act (StBerG). Personal data contained in invoices, for example, must be kept for 10 years after the end of the year in which the invoice was issued, according to § 147 AO, § 257 HGB, § 14b UStG.

After the expiry of this period, the data is routinely deleted unless it is required for the initiation or fulfilment of a contract or for a conflict check required by law.

Personal data may remain stored if this is necessary to fulfil or defend legal claims. In this case, the processing of the personal data will be restricted in accordance with Art. 18 GDPR.

8. Profiling, automated decision-making

MOOG does not use profiling or automated decision-making.

9. Disclosure to third countries and NGOs

We do not share your data with entities in countries outside the EU. An exception is the commissioned processing by Zoho Corporation PVT. LTD, Estancia IT Park, Plot No. 140 & 151, GST Road, Vallancherry Village, Chengalpattu Taluk, Kanchipuram District 603 202, India. Our service provider Zoho Corporation B.V. stores our client data in the EU, but uses this company for IT maintenance issues and troubleshooting. Some employees based there can therefore view the data stored in the EU. For India, there is no adequacy decision by the European Commission establishing equivalence of data protection with the legal situation in the EU. However, between Zoho Corporation PVT. LTD and MOOG have been concluded standard contractual clauses in accordance with Art. 46 (3) lit. C of the GDPR, which ensure that data protection is observed in the case of remote access from India. In addition, Zoho assures that Indian law does not stand in the way of compliance with the standard contractual clauses. The standard contractual clauses are available in English from MOOG upon request (moritz.schilling@moogpartner.de).

10. Rights of the data subjects

The GDPR as well as other data protection regulations grant extensive rights to subjects of data processing.

- a. Right to information: You have the right to request information from us at any time about whether and, where required, how your personal data is processed by us. Requirements and details can be found in Art. 15 GDPR and § 34 BDSG.
- b. Right to rectification: You have the right to demand that we correct or complete your personal data immediately if it is incorrect. Requirements and details can be found in Art. 16 GDPR.
- c. Right to deletion: You can demand the deletion of your personal data stored by us. Requirements and details can be found in Art. 17 GDPR and § 35 BDSG.
- d. Right to restriction: You also have the right to demand the restriction of the processing of your personal data. Requirements and details can be found in Art. 18 GDPR.
- e. Right to data portability: You have the right to receive your personal data in a structured, common and machine-readable format, and you are also entitled to have us transfer this data directly to other persons. Requirements and details can be found in Art. 20 GDPR.
- f. Right to revoke consent given: Consent to the processing of data under data protection law can be revoked at any time, Art. 7 (3) GDPR. However, the revocation of the consent does not affect the lawfulness of the processing carried out on the basis of the consent until the revocation. Requirements and details can be found in Art. 7 GDPR.
- g. Right to object to processing: If we process your employee data on the basis of legitimate interests pursuant to Art. 6 (1) sentence 1 lit. f) GDPR, you have the right to object to the processing. Requirements and details can be found in Art. 21 GDPR.
- h. Right to lodge a complaint with a supervisory authority: You have the right to lodge a complaint against us with the respective competent supervisory authority. Requirements and details can be found in Art. 77 of the GDPR.
