

## Information on data protection

### A. Who is data controller, who can you contact?

We, notary Andrea Bergermann and notary Dr. Marcus Kämpfer, are the data controllers responsible for processing your personal data. Each of the aforementioned notaries is the sole controller within the meaning of data protection law of personal data in their respective area of responsibility. For all data protection related enquiries, you can contact the responsible notary or our data protection officer as follows:

	Data controller	Data protection officer
<b>Address</b>	Notary Andrea Bergermann Königsallee 4 40212 Düsseldorf	GDI Gesellschaft für Datenschutz und Informationssicherheit mbH Fleyer Str. 61 58097 Hagen
<b>Address</b>	Notary Dr. Marcus Kämpfer Königsallee 4 40212 Düsseldorf	GDI Gesellschaft für Datenschutz und Informationssicherheit mbH Fleyer Str. 61 58097 Hagen
<b>Phone</b>	0211/16792-0	02331/356832-0
<b>Fax</b>	0211/16792-16	02331/356832-1
<b>E-Mail</b>	kanzlei@notare-kb.de	info@gdi-mbh.eu

### B. What data do I process and where does the data come from?

I process personal data that I receive from you or from third parties commissioned by you (e.g. lawyers, tax consultants, brokers, credit institutions), such as

- data regarding your identity, e.g. first name and surname, date and place of birth, nationality, marital status; in certain cases your birth registration number;
- contact details, such as postal address, telephone and fax numbers, e-mail address;
- your tax identification number for real estate contracts;

- in certain cases, e.g. in the case of 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 special categories of sensitive data, e.g. because these serve to document your legal capacity;
- in certain cases also data from your legal relations with third parties such as, e.g., file number or loan or account numbers with credit institutions.

In addition, I process personal data from public registers, e.g. land register, commercial register and registers of associations.

### **C. For which purposes and on which legal basis is personal data processed?**

As a notary, I hold a public office. My official activity is in the public interest, namely in the interest of the general public in the administration of justice by way of providing advisory services to prevent legal uncertainty and conflict. I thus process personal data because it is necessary for the performance of a task carried out in the public interest and in the exercise of official authority vested in me (Article 6 para. 1 (1) lit (e) General Data Protection Regulation (GDPR)).

Your data will only be processed in order to carry out the notarial services requested by you and any other persons involved in a transaction in accordance with my official duties, i.e. for the preparation of drafts of documents, for certification and execution of transactions or for the provision of advice. The processing of personal data therefore always takes place only on the basis of the professional and procedural regulations applicable to me, which essentially result from the Federal Notary Code (Bundesnotarordnung) and the Notarisation Act (Beurkundungsgesetz). These provisions also give me the legal obligation to process the necessary data (Article 6 para. 1 (1) lit (c) GDPR). Failure to provide the data I have requested from you would therefore mean that I would have to refuse (further) performance of my official duties towards you.

### **D. To whom do I pass on your personal data?**

As a notary, I am subject to a legal duty of confidentiality. This duty of confidentiality also applies to all my employees and other persons appointed by me.

I may therefore only pass on your data if and to the extent that I am obliged to do so in individual cases, e.g. as a result of notification obligations to the tax authorities, to public registers such as the land registry, commercial register, register of associations, central register of wills, register of precautionary powers of attorney, to courts such as probate court, guardianship court or family court or to authorities. Within the framework of professional and service supervision, I may also be obliged to provide information to the Chamber of Notaries or to my supervisory authority, which in turn are subject to an official duty of confidentiality.

Otherwise, your data will only be passed on if I am obliged to do so on the basis of declarations made by you or if you have requested me to pass it on.

### **E. Is personal data transferred to third countries?**

Your personal data will only be transferred to third countries at your specific request or if and to the extent that a party to the document is resident in a third country.

### **F. How long is your personal data stored?**

I process and store your personal data within the framework of my legal obligation to store them.

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

- List of deeds, list of inheritance contracts, list of names for the list of deeds and collection of deeds including the separately kept inheritance contracts (§ 18 (4) DONot): 100 years;
- List of names to the escrow ledger, custody ledger, escrow account list, general files: 30 years;
- Secondary files: 7 years; the notary can specify a longer retention period in writing at the latest at the time of the last substantive processing, e.g. in the case of inheritance matters or in the case of the risk of legal recourse; the provision can also be made generally for individual types of legal transaction, e.g. for inheritance matters.

After expiry of the storage periods, your data will be deleted or the paper documents destroyed unless I am obliged to store them for a longer period of time in accordance with Article 6 para. 1 (1) lit. (c) GDPR due to tax and commercial law storage and documentation obligations (pursuant to the Commercial Code, Criminal Code, Money Laundering Act or the Fiscal Code) as well as professional regulations for the purpose of conflicts checks.

### **G. What rights do you have?**

You have the right:

- To request information on whether I process your personal data, and if so, for which purposes and which categories of personal data I process, to whom the data may have been transferred, how long the data may be stored and which rights you have.
- to have inaccurate personal data concerning you stored by me rectified. You also have the right to have an incomplete data record I have stored completed.
- to demand the erasure of the personal data concerning you if there is a legal reason for the deletion (cf. Article 17 GDPR) and the processing of your personal data is not required for the fulfilment of a legal obligation or for other priority reasons in the sense of the GDPR.
- to require me to restrict my processing of your personal data, e.g. for the establishment, exercise or defence of legal claims or for reasons of important

public interest, while, for example, I examine your claim for rectification or objection, or if I reject your claim for erasure (cf. Article 18 GDPR).

- to object to the processing which is necessary to enable me to carry out my duties in the public interest or to exercise my public office, if there are reasons for the objection which result from your particular situation.
- to lodge a data protection complaint with the supervisory authority. With regard to data protection matters, the supervisory authority responsible for me is: The State Commissioner for Data Protection and Information Security NRW, Postfach 200444, 40102 Düsseldorf, Germany, telephone: 0211/384240, fax: 0211/3842410; e-mail: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de). The complaint can be lodged with any supervisory authority, irrespective of its competence.