

# Information on Data Protection

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

The person responsible for processing your personal data is me, notary Andreas Tüxen, with official seat in Berlin. You can contact me or my data protection officer for all data protection queries as follows:

	Responsible	Data Protection Officer
Address	Notary Andreas Tüxen Heidestraße 40 10557 Berlin	Silvia C. Bauer c/o LutherRechtsanwaltsgesellschaft mbH Anna-Schneider Steig 22 50678 Cologne, Germany
Phone	+49 30 52133 16258	+49 221 9937 25789
Fax	+49 30 52133 110	+49 181 0742 25789
E-mail	andreas.tuexen@luther-lawfirm.com	silvia.c.bauer@luther-lawfirm.com

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

I process personal data which I receive from you or third parties commissioned by you (e.g. lawyer, tax consultant, broker, credit institute), such as

- ▶ Personal data, e.g. first and last name, date and place of birth, nationality, marital status; in individual cases your birth register number;
- ▶ Contact details, such as postal address, telephone and fax numbers, e-mail address;
- ▶ for real estate contracts, your tax identification number;
- ▶ in certain cases, e.g. marriage contracts, wills, inheritance contracts or adoptions, also data concerning your family situation and your assets, as well as, if applicable, information on your health or other sensitive data, e.g. because they serve 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.

I also process data from public registers, e.g. land register, commercial and association registers.

## 3. For what purposes and on what legal basis is the data processed?

As a notary I am a holder of a public office. My official activity is carried out in the performance of a task which is in the public interest in the orderly and precautionary administration of justice and thus in the public interest, and in the exercise of official authority (Art. 6 Paragraph 1 Sentence 1 Letter e of the Basic Data Protection Regulation (DS-GVO)).

Your data will be processed exclusively in order to carry out the notarial work requested by you and, if applicable, other persons involved in a transaction in accordance with my official duties, i.e. for the preparation of draft documents, for the notarization and execution of transactions or for the performance of consultations. The processing of personal data is therefore always carried out only on the basis of the professional and procedural regulations applicable to me, which essentially result from the Federal Notarial Code and the Authentication Act. From these provisions, I am also legally obliged to process the necessary data (Art. 6 para. 1 sentence 1 letter c DS-GVO). Failure to provide the data I requested from you would therefore mean that I would have to refuse to (continue to) carry out official business.

## 4. To whom do I pass on data?

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

I may therefore only pass on your data if and insofar as I am obliged to do so in individual cases, e.g. due to notification obligations towards the tax authorities, or to public registers such as the land register, commercial or association register, central register of wills, provident register, courts such as the probate, care or family court or authorities. Within the framework of professional and official supervision, I may also be obliged to provide information to the Chamber of Notaries or 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 the transfer.

## 5. Will data be transferred to third countries?

A transfer of your personal data to third countries will only take place upon special request from you or if and insofar as a party involved in the deed is domiciled in a third country.

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

I process and store your personal data within the scope of my legal storage obligations.

According to § 50 para. 1, § 51 para. 1 sentence 1 no. 3, sentence 2 of the Regulation on the Maintenance of Notarial Records and Directories („*Verordnung über die Führung notarieller Akten und Verzeichnisse*“ (NotAktVV)) , the following retention periods apply to the storage of notarial documents:

- ▶ Register of deeds and collection of deeds including the separately stored inheritance contracts : 100 years,
- ▶ Depository register and general files: 30 years,
- ▶ Collection file for bill and cheque protests and ancillary files: 7 years; the Notary may specify a longer period of retention in writing at the latest during the last processing of the content, e.g. in the case of dispositions due to death or in the event of the risk of recourse; the provision may also be made in general for individual types of legal transactions, e.g. for dispositions due to death.

After expiry of the storage periods, your data will be deleted or the paper documents destroyed, unless I am obliged to store the data for a longer period of time in accordance with Article 6 Paragraph 1 Sentence 1 Letter c DS-GVO due to storage and documentation obligations under tax and commercial law (from the German Commercial Code, Criminal Code, Money Laundering Act or the German Fiscal Code) and professional regulations for the purpose of collision checking.

## 7. What rights do you have?

You have the right:

- ▶ to request information as to whether I am processing personal data about you, if so, for what purposes I am processing the data and what categories of personal data I am processing, to whom the data may have been forwarded, how long the data may be stored and what rights you are entitled to (c.f. Art. 15 DS-GVO).
- ▶ to have any inaccurate personal data relating to you that is stored by me corrected. You also have the right to have an incomplete data set stored by me supplemented by me (c.f. Art. 16 DS-GVO).
- ▶ to demand the deletion of personal data relating to you, provided that there is a legally prescribed reason for deletion (cf. Art. 17 DS-GVO) and the processing of your data is not necessary to fulfil a legal obligation or for other overriding reasons within the meaning of the DS-GVO
- ▶ to require from me to process your data only to a limited extent, e.g. to assert legal claims or for reasons of an important public interest, eg. while I examine your claim for correction or objection or, if necessary, if I reject your claim for deletion (cf. Art. 18 DS-GVO)
- ▶ to object to the processing if it is necessary for the performance of my duties in the public interest or the exercise of my public office, if there are grounds for objection arising from your particular situation.
- ▶ address a data protection complaint to the supervisory authorities. The supervisory authority responsible for me is the Berlin Commissioner for Data Protection and Freedom of Information, Friedrichstr. 219, 10969 Berlin, Telephone: 030 13889-0, Fax: 030 2155050, E-Mail: mailbox@datenschutz-berlin.de The complaint may be lodged with any supervisory authority, irrespective of its competence.